þNjDžþøøĭǁǁ ƕyDžƑøШ
DžNjøøǅƑșøǁǁ ƕøøĭǂǀ
ţ ƑøՈǁǁ DžNjǅƑșǁǁ !ƨƽ

ţ ƑՈՂŬ ǀƑǀþՂ Ĭƺ þĭǫDžǁǁ

The Director of the Personal Companies

þƒþƵǫ

DžƑƯǂƨ ǫDžѲDž ŶƐǫƓ Ĭǂ

ǀƧĂǩǂþ!ƒ ƻƒƧƬǫ

ƕǅNjƑƬՈ ƹ ƨNjĭ ƑNJDž

DžNjǅƑșǁǁ Ĭƺ þĭǂƨШƑDžǁǁ ƕШþǫ Ăǂ ŭNjƬѲǁǁ ǀƑǂƯǂDžǁ ŰƑDžǀǂƨƐ ƕǁƑƨþǁǁ ǈƝǰ ǀDžǫƽ

2013

المدير المفوض في شركات الأشخاص

The Director of the Companies

إعداد الطالب:

علي عبد الله محمد آل سلطان

ماجستير قانون، جامعة اليرموك، 2013م

قدمت هذه الرسالة استكمالاً لمتطلبات الحصول على درجة الماجستير
في القانون، في جامعة اليرموك، إربد، الأردن

لجنة المناقشة

الأستاذة الدكتورة/ مها الخصاونة.............................مشرفاً ورئيساً

الأستاذ الدكتور/حلو عبد الرحمن أبو حلو.......................... عضواً

الدكتور/ عبد الله السوفاني.................................... عضواً

.ƀƐɋǉǕƐ

Ăǁƌ

ÜÜ Ŏ!Ǥʒ!ƒĂ Ʃŏƾǉ!ƒ ýŖ ǇǆǇ

ǅǤƱƶ!ƒĂ ƗŏƠư!ƒ ƨǆƧ

Ăǁƌ

ǊŏǁƵ ƧƥǤǀ!ƒĂ ǁ!Ʀ Ŏ!Ă Ăǌƽ ǉƥƠĂ Ÿƒ Ĭ!ƍ ǅĂƞǁ!Ǥ Ůƍ Ɨǁŏǆƞ ƥƨ! ýŏƪ Ů ǇǆǇ

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ƧŏƮ ùdž ΘǴ ư ùŏǫĂ Ü NJkƱǐùʅ þĂþùơ ŎNj ǴdžĂ Ü NJkǴhηƒĂĂ Ƨŏþdž!ƒ ƾĂǀơ LJǴŏh Ŏ5 Ŏ ư dž!ƒ LJdž

Ŏùk!ƒ ýǴdžƵŰƒ ΘǴ ư ŏǫ DžkĂ Ü ǴƒƧþdž!ƒ LJdž NJƵĂdžηdž LJdž ư LJǴǂ ĂD ƒþƧƺLjdž ƒƧŏþdž LJǴǂ ƒƦǫ NJkƒƧƒƧp

Ƨùŏʒ!ƒĂ ǂǂƧT!ƒ ljǴηk Ư Ăƺdž!ƒ Ƨŏþdž!ƒ ǂŏ!Ăƌʅdž ƘTpĂLj þpĂ ÜŎLjþƧŰƒ YƧTdž!ƒ ǂŏǐƵ ǴNjƧ ư ơ

.ǴNjƧŏþdž ýǴdžƵD LJƵ ǂǂƧT!ƒ ǂŏ!Ăƌʅdž Ă

Ƨŏþùdž!ƒ ƘƮ ùƤ Ŏùk!ƒ LJŏLjƒĂùǀ!ƒ Ǐ!ĂD LJǴǂ ŎLjþƧŰƒ YƧTdž!ƒ LJD ƧUǀLjǐ! Ƙƺǐdž!ƒ LJdžĂ

Ü ǐ ƧǴùηk!ƒĂ ŎLjþùdž!ƒ LJĂLjǴǀ!ƒ LJŏh Ư pǴLjk!ƒ Ư ƶh þηĂ þp NJLjƒ Ŭǫ ÜǴdžǴdžkNjƒ ƒ ǴƤTŰƒ ƘǴǂƧT!

. ƒ ĂƮLj!ƒ Ư ƶh Ŏ5 ǴǴǂƧT!ƒ ƫ ŏdžnjk Džk þpĂ ÜǀþƑƒƨ NJhT ƒ ĂƮLj!ƒ Ư ƶh ƘLjǴǂ þpĂ

Ŏù5 ƚŏǁƵ ƨƽƙŏ ƥƿĂ ÜƗƚƧƬ!ƒ ƥǀƵ ǇĚǆ Ƈƨƞ ǊǊƬŏĂ Ʃŏƪƌƙ!ƒ ƥǀƵ Ŏ5 ƚŏǁƵ ƨƽƙŏ ƥƿĂ ÜƧŏƺ!ƒ ǇĚǆ

.ƇƒƧƥǆ ǉƥƵ ǅǌ! ǇĚŏƶƙ ƥƿĂ ƥŏơĂ Ƨŏƥǆǌ ƚƚƧƬ!ƒ Ŏƽƙƚƙ ƥƿĂ ÜƨơŬ ƥǀƵ

ÜǊǊùǌ ƚù ƬƇƤ ƒ Ă Ƭ ùǉ Ǉƪ ƥǀ5 ÜƇǆƇǆƙǋƒ ƴƿĂǆ!ƒ ƒƦǋ Ĭ!ĂƉ ƥƿ ŎǉƥƧŰƒ ƳƧƬǆ!ƒ ǇŬĂ

ƘƇƚƧùƬ Ƨŏƥùǆ Ăùǋ ƚơǌ!ƒ ƳĂưĂǆ ǇƇƚ ƥǀ5 ƒ ƇƤƬŰƒ ƘƇƚƧƬ ǇĚǆ ƚŏƑƞ!ƒ ǉƦǋ ƚŏǆǋŰĂ

ƳĂùưĂǆ ƯƧùƶǉ ǇƉ ƘùŏƙƧƒ ƥùǀ5 ǄƥǀƘ Ǉǆ ĬǁƵ ƇƪŏƪƌƙĂ ÜŎǉƥƧŰƒ ǇĂǉƇǀ!ƒ Ŏ5 ƒ ƇƤƬŰƒ

:ŎƙŰƒ Ăơǉ!ƒ ĬǁƵ ǇŏǁƬ5 ƴǔƤ ǇĚǆ ƚƪƒƧƥ!ƒ

:üǋŬƐ üƬƻǁƐ- 1

ǊƘƇŏơǔƬ ƥĂƥơ ǇƇŏǌ ǅĂ ǇĚĂ ƚ!ƨƵĂ ǊǉŏƶƙƚŏƽƚĂ ƯĂƽǆ!ƒ Ƨŏƥǆ!ƒ ǆĂǌƽǆ Ǌŏ5 ƴĂƇǉƙƌƪ

ǊƘƇǀƽǉĂ Ƨŏƥǆ!ƒ ƧƞƒĂ ƇƒƧƥǆ!ƒ ƥƥƶƙ ƚ!ƇơǇƇŏǌ ǅƙŏ ƴƬƽ!ƒ ƚŏƇǌǉ Ŏ5Ă ǊƘǊƞƒĂĂ

: ĬǆƑƙǁƐ üƬƻǁƐ- 2

Ü ǅǌƿƇƱǉĂ ƚŏ!Ăƌƪǆ!ƒ ƔƇǊƪƉĂ ƚƚƧƬ!ƒ ǉƇƞƙ ƯĂƽǆ!ƒ Ƨŏƥǆ!ƒ ƚŏ!Ăƌƪǆ Ǌŏ5 ƴĂƇǉƙƉ ƻĂƪ

ǅǋƧŏƥǆ ƴǆƵƒ ǇƵ ƚƚƧƬ!ƒ ƚŏ!Ăƌƪǆ ǇƇŏǌ ǁ!Ʀ ƥƶǊĂ Ƨŏƺ!ƒ ƴǊƿ Ƨŏƥǆ!ƒ ƚŏ!Ăƌƪǆ ǅĂ ǇĚĂ

:ƱǋƬǋǅǁƐ ƥƑĬƉǀƐ ƒƑƨƇ

ƒƦùǋ ƘùĂ!ĂƇǉƙ ƚĂùơǌ ƥùƞĂƙ Ŭ ǊǉƉ ǅǆǌ!ĂƉ ǇŏƪŏƑƧ ǇŏǌǌƪĂ! ƳĂưĂǆ!ƒ ƧƇŏƙƤƒ ƴƞƧŏ

ƚǆǋƇƪǆ!ƒ ƚƚƧƬ!ƒ ǉƧƒƥǊ Ƙ!ĂƇǉƙ ǉƧŏƛƚ ƚĂơǌ ǁƇǉǋ ǇƉ ƴǆĂ ÜƘƇƚƧƬ!ƒ Ŏ5 ŎƪŏƑƧ!ƒ ƳĂưĂǆ!ƒ

ǇƉ ŎùǉƶƼƥ ǅǆǆ ÜƳĂưĂǆ!ƒ ƒƦǋ! ƨƧƱƙƙ ǅ! ǅǌǉƉ Ŭǋ ƘƇƚƧƬ!ƒ Ŏ5 ǉƧŏƛƚ ƴƞƒƧǆ ǁƇǉǋĂ Ü ƚǆƇƶ!ƒ

ƳĂưĂǆ!ƒ ƒƦǋ ƇƒƧƛǋĂ ǉƥƇƽƙŰƒ ƚŏƺǌ ƳĂưĂǆ!ƒ ƒƦǋ Ŏ5 ƔƙƚƒƳ

Ɨùǒƒɛɳ!ƒ ǉŘùǋ Ɨùʅƒƨƥ Ŏ5 ʂďžƙ!ƒ Ŏ5 ƗǒƮƤT!ƒ ƗƕƩƧ!ƒ Ŏ5 ǇǆžǂǒŎǉǴǍ!ƒ ƔƕʅƒǴďžǄ

Ŏ5 ƗƕƙǂďžǃƒǇǄ Ŏǉƶǒ ǴďžďžÜŎ5Ǵǂ!ƒ ƧƥǀǃǴƕ Ɨ ơƕǒ Ǆ! YĂưĂďž!ƒ ƒŘǋ ǇǄ ǇĂǂ! ƘǴǂƧT!ƒ ǇďžƗďžǌďž!ƒ

.YĂưĂďž!ƒ ƒŘǋ ǴƒƧƛǗ ƗɳǴơ!ƒ Ʃ ďžǄ

:ƕ ʂƐƥơǁƐ ƕǂǀ ʅ Ǆ

ǅƵĂùưĂďž ƧǒƛǂǃƒǉƧƕƙƶǒ YĂưĂďž ǇƥƧǕǃ Ŏ5 ƒ ǴƤTǕƒ ƘǴǂƧT ƧǒƥďžYĂưĂďž ƥƶǒ

Ŏ5 ƘǉǴǂ ǴƒĂʅ ÜƗƮǴƤ ƒ ĂƮǉƕ YĂưĂďž!ƒ ƒŘǋ ýĂǴǉƙ ƥƿ ŎǉƥƧǕƒ YƧTďž!ƒ ǇǄ ǇĂǂ! ÜƠưƒĂ

ƥùƿ ƒ ĂƮùǉ!ƒ ǉŘùǋ ǇǄ Ǘǫ ÜŎǉƥƧǕƒ Ŏǉƥďž!ƒ ǇĂǉǴǀ!ƒ Ŏ5 ƘǉǴǂ ĂǄ ŎǉƥƧǕƒ ĭƧǴɳƙ!ƒ ǇĂǉǴǀ!ƒ

ƥùɳǉ ǇǴùǒơǕƒ Ưƶƕ Ŏ5Ă ǴǌǉǒƕǴďžǒ5 ƯƿǴǉƙ ƥɳǉ ǇǴǒơǕƒ Ưƶƕ Ŏ55 Üý ǂǴTďž!ƒ Ưƶƕ ǴǌƙƧƙƵƒ

Ɨù!ĂǴơďžĂ ƒ ĂƮùǉ!ƒ ǁùǀƙ ĬǀƵ ƻĂƿĂǀ! Ɨʅƒƨƥ!ƒ ƻƥǌƙ ǁ!ŘĂ ÜƔưƒĂďž!ƒ Ưƶƕ Ŏ5 ƥĂďžɳ

. ǴǌƙɳǃǴƶďž

:üNjŬɛ üƬƻǁɛ

ƒ NjƻDŽǁɛ ƥĭơDŽǁɛ !NjNJƻDž

:üNjŬɛ üƬƻǁɛ

ƥĭơƊƵǂǁ ĬƋNjƋƑȿǁɛ ƦǀƥƊƵǁɛ

ƥùƿ ǁ!Ʀ!Ă Ü(1)ƪƥƥƵ ƓNjƧƛǂƊĂ ÜƐƞƒĂƧ ƘƓǂƧƬ!ƒ ƧƛǂƊ ǈƥƧŰƒ Ŏ5 ƒ ƓƤƬŰƒ ƘƓǂƧƬ ƧƕƘƶƘ

ƠùƱƕƘƧƋ ǇĂǂŏ ƚƥƓƵ ƒ ƓƤƬŰƒ ƘƓǂƧƬ ƟƓƞǈ ǇƊ Ʀǫ ÜƓNj! ŎǈĂǈƓǀ!ƒ ƋŏƱǈƘ!Ɠ ŎǈƥƧŰƒ ƳƧƬƋ!ƒ ƋƘNjƒ

ƗùŏĂǈƶƋ NŏƬƤƬ ƓƋNj! ǇƓƘǂƧƬ ƗƱŏƪƕ!ƒ ƗŏƬĂƘ!ƒ ƗǂƧƬĂ ǇƋƓưƘ!ƒ ƗǂƧƬ ǇƊ ƓƋƕĂ ÜƓNjƘƧƒƥǫ ƚƇƓ5ǂƕ

ƻĂùƪ ǁ!Ʀù!Ă Ü(2) ĭĂǈƶƋ!ƒ ǇƓŏǂ!ƒ ǁ!Ʀ ƴƛƋŏ ŎƶŏƕƱ ƒ ƤƬ ƴƕƿ ǇƋ Ŭǫ ƧƒƥƘ ǇƊ ƴŏƠƘƪƋ!ƒ ǇƋ5

ǇùƋ ŎùNj ƒ ƤƬ!ƒ ǁ!Ʀ ƘƒƧƒƧƿ ǇŬĂ Üĭ ƧNjĂƞ ƴƿĂƋ ƔƠƓƬ NǈĂǂ ƗǂƧƬ!ƒ ƧŏƥƋ ǇƵ Ɨƥ ƠƘǈ

ǇĂǈƓǀ!ƒ ƒ ĂƬǈ ƴŰƤ ǇƋ ƗǂƧƬ!ƒ ƧŏƥƋ ƋĂNjƽƋ ƥƥƠǈ ƻĂƪ ǁ!Ʀ!Ă ÜƓNjƋƬ5 ǇƋ ƗǂƧƬ!ƒ ƟƓƞǈ ƥƥƠƘ

ĬƋƵ ƘƓǂƧƬ!ƒ ǇĂǈƓƿ ǇƋ (17) ƚƥƓƋ!ƒ ƘƧǂƦ ƓƋƕƪƠ ƯĂƽƋ!ƒ ƧŏƥƋ!ƒ ƋĂNjƽƋ Ƙƥƥơ ŎƘ!ƒ ŎǈƥƧŰƒ

ǁŏƧùƬ ƴùǂ -Ɣ ƚƧǀ5!ƒ Ŏ5Ă Ü(.. ǇƋƓưƘ!ƒ ƗǂƧƬ ƚƧƒƥǫ Ŏ5 ǁƧƘƬŏ ǇƊ ǁŏƧƬ ƴǂ! ȿƠŏ -Ɗ :NǈƊ

ȿùƠ ǇƋ5 Ŏ!ƓƘ!ƓƕĂ (3) (..ƗǂƧƬ!ƒ ǇƵ ƪŏǂĂ ƧƕƘƶŏ ƓNjǈƵ ƴƿĂƘ!ƒĂ ǇƋƓưƘ!ƒ ƗǂƧƬ ƚƧƒƥƕ ƯĂƽƋ

ƗǂƧƬ Ŏ5 ŎƬĂƋ!ƒ ǁŏƧƬ!ƒ ǁ!Ʀ ǇƋ ŎǈƛƘƪǈĂ ƒ ƓƤƬŰƒ ƘƓǂƧƬ ƚƧƒƥǫ Ŏ5 ǁƧƘƬŏ ǇƊ ǁŏƧƬ ƴǂ

.ƗƱŏƪƕ!ƒ ƗŏƬĂƘ!ƒ

ƒ ƓƤƬŰƒ ƗǂƧƬ ƚƧƒƥǫ Ŏ5 ȿƠ!ƒ ƔƠƓƬ (17) ƚƥƓƋ!ƒ ƘƧǂƦ ƓƋ ĬƋƵ ƯĂƽƋ!ƒ ƧŏƥƋ!ƒĂ

ƘƓŏƠŰƬù!ƒ ƥĂƥùƠƕĂ ƘƓǂƧƬ!ƒ ǇĂǈƓǀ! Ɠǀ5Ă ƗǂƧƬ!ƒ ƴƓƋƵƕ ƋƓŏǀ!Ɠ ƘƓŏƠŰƬ N! ƠǈƋƘ Ŏ!ƓƘ!ƓƕĂ

.ƇƓǂƧƬ!ƒ ƴƕƿ ǇƋ N! ĬƱƶƘ ŎƘ!ƒ

.93 ƒ 2008Ɨ5ƓǀƛƘ!ƒ Ƨƒƥ ÜƗŏƧƓƞƘ!ƒ ƘƓǂƧƬ!ƒ Ŏ5 ƱŏƪĂ!ƒ ÜŎǁŏǂƶ!ƒ ƶŏƧƵ (1)

.165 ƒ Ü2003 ÜǀƧNjƓǀ!ƒ ÜƗưNjǈ!ƒ Ƨƒƥ ÜƗŏƧƓƞƘ!ƒ ƘƓǂƧƬ!ƒ ÜŎƠƓƋ!ƒ ǇŏƪƠ (2)

.ŎǈƥƧŰƒ ƘƓǂƧƬ!ƒ ǇĂǈƓƿ 17 ƚƥƓƋ!ƒ (3)

:üNjŬɛ ƘƟƓƊŽǁɛ

ǇǁƦƳNj ƥĭơƊŽǁɛ ƊžĩĩyƗ

Ǒùƙ!ƒ NƙƒƧƒƧǀƕ ƓnjǀƬ5 ǍƊ ƓnjơƓɳǇ ƥƥơŏ ǇƊž ǍNjǍ ÜƓnjǇǍƋƬ! ƧƕƥƊž!ƒ ý|ƶ!ƒ ǍNj ƗǂƧƬ!ƒ Ƨŏƥƌž

ƒƦùNj ǑǇƥƧǕƒ ƳƧƬƊž!ƒ Ĭ!ǍƊ ƥ|5 ÜƗǂƧƬ!ƒ Ǒ5 ý|ƛ!ƒ ƨǂƧƊž NǇƊ ƓƊžƕǍ Ü ǁ ƓǇNj ǍƊ ƓǇNj Ĭ!ƍ Ɠnjƙƽǂ ƠɳƧƙ

ƓùNjƥƧ5ƊǍ ÜƘƓǂƧƬù!ƒ ǇǍǇƓp Ǒ5 N!ƨƵǍ Ƨŏƥƌž!ƒ Ǉŏŏƶƙ Ɨ|ŏƧƱ ƧǂƦ ƥ|5 ÜƊžƓƊžƙNjǕƒ ǇƊž ƪƧŏƛǂ ƨǂƧƊž!ƒ

Ƨŏƥùƌž!ƒ Ǉŏùŏƶƙ Ɨ|ŏƧƱ ǑǇƥƧǕƒ ƘƓǂƧƬ!ƒ ǇǍǇƓp ǇƊž (17) ǉƥƓƊž!ƒ Ƙ!Ʈ5 ƚŏơ ÜƗƮƓƤ ƒ ǍƮǇƕ

Ɨưùŏƨƶ!ƒ ƱǍùƱƤ!ƒ ƴùưǍ ǇǍǇƓ|!ƒ Ǉǂ!Ǎ ÜƧŏƥƌž!ƒ ýƨƵ Ɨ|ŏƧƱ (20) ǉƥƓƊž!ƒ ƘƧǂƦǍ ƯǍ5ƊžƒƒǑ

Ǒù5 Ɨ!ƌƪƊž (20) ǉƥƓƊž!ƒ Ƙ!ǍƊ ƚŏơ ÜƇƓư|!ƒǍ N|5ǁ! ýŏƮƓ5ƙ!ƒ ǁ ƧƙǍ ýƨƶ!ƒ ƗŏǁƊžƵǍ Ǉŏŏƶƙ!ƒ Ɨŏǁƌžƶ!

Ǒù5 Ƨŏƥƌž!ƒ Ǉŏŏƶƙ Ɨ!ƌƪƊž ǑNjǍ ÜƥơƒǍ ǇƇ Ǒ5 ýƨƶ!ƒǍ Ǉŏŏƶƙ!Ɠƕ ƗƱƕƙƧƊž Ɨ!ƌƪƊž!ƒ ǉƦnj5 ÜƗŏƊžNjǕƒ ƗŏƓƹ

ƻǍƪ ĭƦ!ƒ ǑpƓ5ƙǓƒ Ƨŏƹ Ƨŏƥƌž!ƒǍ ǑpƓ5ƙǓƒ Ƨŏƥƌž!Ɠƕ ĬƊžƪŏ ƓƊž ǍNjǍ ÜƨơǓ ƥ|Ƶ Ǒ5 ǍƊ ƩŏƪƊƙ!ƒ ƥ|Ƶ

Ɗžŏƪù|ƙ Ɗžƙ ƥ|5 ǁ!Ʀ ĬǁƵǍ ÜƗƊžƓƵ Ɨ5Ʈƕ N!ƨƵǍ Ƨŏƥƌž!ƒ ǇŏŏƶƙǇƵ ƚŏƥơ!ƒ Ǒ5 ƓǇpǖƱǇƒ NƱ|ǇǍǂŏ

:ǑƙǗƓǂ Ɨƌžƪ|ƊžƔ!ƓƱƊž ƗƶƕƧƊ Ĭ!ƍ ƚơƕƊž!ƒ ƒƦNj

ĬƽƑƗǕɛ ƥĭơƊŽǁɛ ƊžĩĩyƗ :üNjŬɛ ƒǂƯƊŽǁɛ

ĬƽƑƗǕɛ ƥĭƷ ƥĭơƊŽǁɛ ƊžĩĩyƗ :ĬƊžƑƙǁɛ ƒǂƯƊŽǁɛ

ĬƽƑƗǕɛ ƥĭơƊŽǁɛ üƦƳ :ƘǁƑƙǁɛ ƒǂƯƊŽǁɛ

ĬƽƑƗǕɛ ƥĭƷ ƥĭơƊŽǁɛ üƦƳ :ƯƓɛƥǁɛ ƒǂƯƊŽǁɛ

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[illegible]

[illegible] (1) [illegible]

[illegible] (2) [illegible]

[illegible] (17) [illegible]

[illegible] (3) [illegible]

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(1) [illegible] 2002 [illegible] 115.

(2) [illegible] 1418 /2007 [illegible] 2/4/2008 [illegible].

(3) [illegible] 17 [illegible].

ŁǂƧùT lƧƒþǝùƕ ƯĂùƽdž!ƒ ƒ ƤT!ƒ ǏǁƵ" Ǉ ǂ lƧǀƽ!ƒ Ŏ5 18 lþǴdž!ƒ ǋŏǁƵ Ƙ!þ Ǵdž ƒŖǌĂ ǅǴǂƧT!ƒ

.[1]" .. ǇǂŏǄ! ĂǄ Ǵǌŏ5 Ǘǂŏ ƧT ǇǴǂ ǅƒĂ ȷ ǇdžǴ ư ƙ!ƒ

ŁŏĂƋȷ ùdž!ƒ ƻƧ ƮǉƙĂ ǗŏĂǉƶdž ǗƮ ƤT ƧŏþdžǃƒǇĂǂŏ þpĂ ÜŁǂƧTǁ! Ƨŏþdž Ǉdž Ƨλǂǂ Ǉŏƶŏ þpĂ

Ƨŏþdž!ƒ Ǉŏŏƶƙ ŁǀŏƧƱ ƔǁƱdž!ƒ ƒŖǌ Ŏ5 ƫ pǴǉǉ ƻĂȷ ǁ!Ʀ ǏǁƵĂ Ü[2] ǐĂǉƶdž!ƒ ƒ ƤT!ƒ ƒŖǌ Ƨŏþŏ Ǉdž!

:ŎƙǓǴǂ ǇŏƵƧ5 Ǐ!ǫ ƔǁƱdž!ƒ ƒŖǌ Ǆŏȷǀƙ Ǆƙ þpĂ ƒ ǴƤTǕƒ ƘǴǂƧT Ŏ5

ǄžǄƑƮŁǁɛ lƑǀþȷ Ǐʓ þǐƍǄǁɛ Ǆžǐǐyǂ :üǌǓɛ Ʊþƻǁɛ

ƕƯǐƨǴǁɛ ƕǐTǌŁǁɛ ƕǀþȷ Ǐʓ þǐƍǄǁɛ Ǆžǐǐyǂ :ǏǆƑƙǁɛ Ʊþƻǁɛ

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(1) .ŎǉþƧǕƒ ƘǴǂƧT!ƒ ǇĂǉǴp Ǉdž 18 lþǴdž!ƒ

(2) ƩǴŏ!ǫ ƮǴǉ ƻŏ Ü ǇĂdž ȷĂƵŁ ƘǴǂƧT!ƒ ǂŏƧǴƞƙ!ƒ Ü ǇdžƬĂƧƒƘ ŏ!ơƕǁŎ ,!ƕǉǴǇ,2005-،ص92

[illegible]

(1) [illegible] 2009 [illegible] 103.

(2) [illegible] 2129/ 2008 [illegible] 2008/1/18 [illegible].

Ǒù5 ĆǴǂƧƬù!ƒ ýùhp ǈǅž ǈǍǂŏ ŇŏǁƵ ƾƽkǅž!ƒ Ƨŏƥǅž!ƒ ǈǅ Ǐ!ǫ ƘƧǴƬǅ (11) ǉƥǴǅž!ƒ ǈǅ ƴǅžǍ

ǈǅ ƨǍùƞŏ Ǒ!Ǵùk!ǴhǍ ýǴǅž!ƒ ýŏhƪ ǏǁƵ ýh ƧƮơ!ƒ ýŏhƪ ǏǁƵ ƘǅŏǅŽ! ǁ!Ʀ ǈǅ Ǔǫ ÜƩŏƪǅk!ƒ ƥǀƵ

ƻùǀǉ ǴǉǋǍ Ü[1] Ʃŏƪǅk!ƒ ƥǀƵ Ǒ5 ŇǅžƪƒƔkǂŏǍ ĆǴǂƧƬ!ƒ ƜƧǴƤ ǈǅž ǑpǴ5kƒ Ƨŏƥǅž ǏǁƵ ĆǴǂƧƬ!ƒ ƾƽkŏ

ǈǅ ƥùŏƧŏǍ ǂǂƧùƬ Ʃùƪǅŏ ǈǅ ƥŏƧŏ ǐƦ!ƒ ǐƥǴƶ!ƒ ƧƞǴk!ƒ ǈǅž ŇǅžǋǇ5 ĆǴƪŏ ƥp ǐƦ!ƒ ǉƥǴǅž!ƒ ƒ ǉ ƥǉƵ

ǈùǅž ǈǍǂŏ ǈǅ ǉƧǍƧư!Ǵh Ƨŏƥǅž!ƒ ǈǅ ǏǁƵ ǅžǋǇŏ ƒ ǉ!ƒ ǈǓ ÜǴǋƱǴƬǉ Ǒ5 ǴƮ ƮƤkǅž ǂƧŏƥǅž Ǵǋ! ýƶƞŏ

Ƨŏƥùǅž!ƒ)ǉƧǴùhƵ ƧǂƦùŏ ǅžù!Ǎ (ƲǍ5ǅž!ƒ ǁŏƧƬ!ƒ) ǉƧǴŏƵ ǉƥǴǅž!ƒ ƒ ǉ Ǒ5 ƧǂƦ ǂŏơ ĆǴǂƧƬ!ƒ ǈǅŏh

ǈǍùǂŏ ƥp ƲǍ5ǅž Ƨŏƥǅž Ǐ!ǫ ƲǍ5ǅž ǁŏƧƬ ǈǅž ǉƥǴǅž!ƒ ƒ ǉ ýŏƥƶk ǈǅ ǎƧǉ ǈơǉ ǁ!Ʀ!Ǎ Ü(ƲǍ5ǅž!ƒ

Ǒù5 ǴǂŏƧùƬ ǈǍùǂŏ ǈǅ ƥŏƧŏ ǐƦ!ƒ ƧƞǴk! ǈǴǉƑǅžƱǓƒǍ ǂơƒƧ!ƒ ǂƶhŏ ƥp ǐƦ!ƒ ýư5Ǖƒ Ƨŏhƶk!ƒ ǍǋǇ

ǉƧƒƥǫ Ǒù5 ÜǉƧhƤ ƔơǴƮ Ǎǅ ƒ ǴƮkƤƒ ƔơǴƮ ƒ ƤƬ Ǒ5 ŇkǀƛƳ ƴưŏ ƥp ŇǉǕ Ü ƒ ǴƤƬǅ ǂǂƧƬ

ǈǅ ƴùǅžǍ ÜǴùǋkƧƒƥǕ ýùǋƋǅžǍ ƒ ƮƤk ƔơǴƮ ǈǍǂŏ ƥp Ǎǅ ÜǴǋƱǴƬǉ ýƛǅž Ǒ5 ǉƧhƤ Ň! ǂǂƧƬ

ǉƥǴùǅž!ƒ Ǐù!ǫ Ǵùǉƶƞƨ Ǎǁ5 Ü ǂǍƥơ!ƒ ƧƥǴǉ ƧǅžǅŇǉ Ǔǫ ĆǴǂƧƬ!ƒ ƜƧǴƤ ǈǅž ǈǍǂŏ ƥp ǑpǴ5kǕƒ Ƨŏƥǅž!ƒ

ǈùǅž Ǎǅ ĆǴǂƧƬù!ƒ ǈùǅž ǂǂƧƬ! ƒƧŏƥǅž ǈŏŏƶk ƨǍƞŏ" ǏǁƵ ƒ ǉk Ǒk!ƒ Ǒǉƥǅž!ƒ ǈǍǉǴǀ!ƒ ǈǅž (593)

ǂŏơ ƘǴǂƧƬ!ƒ ǈǍǉǴp ǈǅž (18/ǅ) ǉƥǴǅž!ƒ ƒ ǉ ǈǅž ƥŏ5kƪǉ ƥp ǴƲŏǅǍ [2]"Ƨƞƒ ƧŏƺǍ Ǎǅ ƧƞǅǍ ǅžǋƧŏƩ

".. ǈǂŏ ǅž! Ǎǅ Ǵǋŏ5 ǴǂŏƧƬ ǈǴǂ ĆƒǍƪ ǈǅžǴƲk!ƒ ǂǂƧƬ ǉƧƒƥǅǍ ƲǍ5ǅž!ƒ ƒ ƤƬ!ƒ ǏǁƵ" :ǏǁƵ ƘƮǉ

ǂǂƧùƬ ǉƧƒƥǅùh ƲǍù5ǅž!ƒ ƒ ƤƬù!ƒ ǈǴǂ ƒƦǫ " ǴǋƮǉ Ǒk!ƒ(20/Ɣ) ǉƥǴǅž!ƒ ǏǁƵ ǴǉƞƧƵ Ǎ!Ǎ [3]

.[4] ".. ǂ5Ʈ!ƒ ǁǁkh ǂǂƧƬ!ƒ ƥǀƵ Ǒ5 ǴǉŏƶǅžǍ Ǵǋŏ5 ǴǂŏƧƬ ǈǅžǴƲk!ƒ

([1])([1]) ƩǴŏ!ǫ ƮǴǉ Ü ƻŏƮǉǍǅž ǂƵǍƪǍǅž ƘǴǂƧƬ!ƒ ƘƒƧƞǴk!ƒ ǂŏƧǴƞk!ƒ Ü ǉǅž ƘƒƧǍƬǉ Ǒhǁơ!ƒ 2005م، ص 96

([2])ƒ!ǉǴǉǍǈ Ǒǉƥǅž!ƒ ǑǉƥƧǕƒ.

([3]) ǈǍǉǴp ƘǴǂƧƬ!ƒ ǑǉƥƧǕƒ.

([4]) ƴƞƧǅž!ƒ ƪǴh5.

[illegible] (591) [illegible] [1] [illegible]

[illegible] [2]

[illegible] [3]

[illegible]

(1) سميحة القليوبي ،الشركات التجارية ، دار النهضة العربية ، 1988 الطبعه الثانية ،ص205

(2) [illegible] 200 [illegible] 150.

(3) [illegible] 1969 [illegible] 224

[illegible] .[1]

[illegible] .[2]

[illegible] .[3]

(1) [illegible] 122.

(2) [illegible] 2005، ص144

(3) [illegible] 122.

ƧƇǑƤ!ƒ Ŋ! ƩǑǁ5 ƗǂƧƬ!ƒ ǀƧƒƥǫ ǇǊ ýǒǀƙƪǒ ǇƊ ƥǒƧǒ ĭ Ʀ!ƒ ƧǒƥǆǄ! ƗƕƪǇ!Ǵ Ƶ ǁƙƤǒ ƊǂƠ!ƒ Ǉǂ!Ǎ

ƝǍƒƪ ùǆ ǇǴǂ ǙǫǍ Ǚ ýǍƕǀǆ ƧƦƶƕǍ ǴƕƪǴǉǆ ƘpǍ!ƒ ǁ!Ʀ ǇǴǂ ƒƦǫ Ǚǫ ǴǴƬ ƘpǍ ĭ Ɗ Ǒ5 ýǒǀƙƪǒ ǇƊ Ǒ5

Ɣƕƪ ùƕ ǍƊ Ɣƪ Ǵǉǆ!ƒ Ƨǒƹ ƘpǍ!ƒ ƧǴǒƙƤƒ Ɣƕƪƕ ǴǌƕƘǀƠ! Ǒƙ!ƒ ƧƒƧ ư Ǖƒ Ư ǒǍƶƙ ǇƵ ƗǂƧƬ!ƒ ǉǴƞƙ

.(1)ƗǆǂƠǆ!ƒ Ƨǒƥǀƙ! Ɗǂơ!ƒ Ǐ ǀƕǒǍ ýǍƕǀǆ Ƨǒƹ ǇǴǂ ƒƦǫ ǉƧƦƵ

(1) ƊǴƕ ƥǆƠ ǛƊǂƠǁǆ ƥǆƠ ǛǊǉǍƒƧƱ!ƒ ƘǴǂƧƬ!ƒ ǛƗǒƧǴƞƙ!ƒ Ƨƒƥ ǇǴǆƵǛǀƧǒƪǆ!ƒ 2012, ƒ .167.

:ĬǅǻƙǁƐ Ʊƥƻǁƹ

ƕƱĭƨǴǁƐ ƕĭƬǊǂǁƐ ƕǀƥƪ Ĭƺ ĬƽƑƽǗƐ ƥĭǫǄǁƐ

ǴùǌǉĂǂ ǇǅǴƜƙ!ƒ ǂǂƧƬ ǄǴǂơǐ Ĭ!ǫ ǻǅƑƒƥ ƴƞƧǉ Ǉơǉƽ ƒ ǴƤƬǕƒ ƘǴǂƧƬ ǇƵ ǄǂǂƙǉǴǉǐǴǅƕ

ƧƱǉ!ǴƕĂ Ü ǂƱŏƪƕ!ƒ ǂŏƬĂƙ!ƒ ǂǂƧƬ Ŏƽ ƒ ǴƤ ƒ ǉ ƥƞĂŏ Ǆ! ƒǫ ǋǅǴǂơǕ ƴƞƧŏ ĭƦ!ƒ ǄǴƶ!ƒ ýƬǕƒ

ǇùǅŎƥǴùƽƙǗƒ ƧŏƥùǅǄ!ƒ ǇŏùƶŏǂƱŏƪƕ!ƒ ǂŏƬĂƙ!ƒ ǂǂƧƬ Ŏƽƽ ŎǉƥƧǕƒ ƘǴǂƧƬ!ƒ ǇĂǉǴƥ ƒ ĂƬǉ!

ǅǴǂƧƬù!ƒ ǇùǅŎƥǴùƽƙǗƒ ƧŏƥùǅǄ!ƒ ǇŏùƶŏǗ Ǉǂ!Ă ÜǅǴǂƧƬ!ƒ ƜƧǴƤ ǇǅĂǐ ǇŏǉǅǴƜƙǅǄ!ƒ ǅǴǂƧƬ!ƒ

ǇǐĬƬĂǅ!ƒ ǁŏƧƬǁ! Ʃŏ!" ĬǁƵ ƘƬǉǴǉǐ ǂŏơ (43/ƒ) ǈƥǴǄ!ƒ ǋŏǁƵ ƘƬǉǴǅƒǫǉĂ [1]ǇŏƬĂǄ!ƒ

ƴǁƱŏ ǇǫǋǄ! ƨĂƞŏ ǴǅǉǫÜǴǉǅƒƨ!ǫ ǂƱǁƪ ǋǄ! Ʃŏ!Ă ǂƱŏƪƕ!ƒ ǂŏƬĂƙ!ƒ ǂǂƧƬ ǇĂƋƬ ǈƧƒƥǫ Ŏƽ ǁƧƙƬŏ

ƠƜĂƙƪùŏ ǇƒĂ ǴǉƙƧƒƥǫ ƾǴŏƪ Ŏƽ ǈƦƤƙǅ!ƒ ƘƒƧƒǀ!Ǵƕ ǂƬǴƤ!ƒ Ƙǖƞƪ!ƒĂ ǴǉƙǴƕǴƪơĂ ǴǊƧƙǴƽƥ ĬǁƵ

Ǵǉ! Ơƙŏ ǂǀƕǴƪ!ƒ ǈƥǴǄ!ƒ Ĭ!ǫ ƧƱǉ!ǴƕĂ" ǴǉǉǅƬ Ŏƽ ǇŏƧƤǓƒ ǅǴǂƧƬ!ƒĂ ýĂƒƥƙŏĂ ǴǊƧĂǅǐĂ Ǵǉƙ!ǴơǇƵ

ÜǂƱŏƪƕ!ƒ ǂŏƬĂƙ!ƒ ǋǂƧƬ Ŏƽ ŎƬĂǄ!ƒĂ ǇǅǴƜƙǅǄ!ƒ Ǉŏǂŏ ƧƬ!ƒ Ǉŏƕ ǂŏ!ĂƋƪǄ!ƒ Ƨƥƥ Ŏƽ Ƨŏƕǂ!ƒ ƾƧƽ!ƒ

Ŏùƽ ǋƙƬùơ Ƨƥƥ ĬǁƵ ýĂƑƪǅ ŎƬĂǄ!ƒ ǁŏƧƬ!ƒĂ ǋ!ƒĂǅǐ ƴŏǅƞ Ŏƽ ýĂƑƪǅ ǇǅǴƜƙǅǄ!ƒ ǁŏƧƬ!Ǵƽ

Ǘ ŎùƬĂǄ!ƒ ǁŏƧƬù!ƒ " ǇǐǋŏƽƥƧĂ ǄǂơŎƽ ǂŏǉƥƧǕƒ ƨŏŏǅƙ!ƒ ǂǅǂơǅ ǋƕ ƘǅǂơǴǅƒǫǉĂ ǂǂƧƬ!ƒ

Ŏùƽ ǋƙƬơ ƧƒƥǀǅǴƕ ǂǂƧƬ!ƒ ǇĂŏƥ ǇƵ ǕĂƋƪǅ ǇĂǂŏĂ Ǵǉ!ǴǅƵǐ ǂƪƧǴǅǅ Ăǐ ǂǂƧƬ!ƒ ǈƧƒƥǫ ǋ! ƾơŏ

ĬùǁƵ ǋƙƧƒƥǫ ƧƬƙǀƙĂ ǂǂƧƬ!ƒ ǈƧƒƥǫ ǇǅĂ ŎƬĂǄ!ƒ ǁŏƧƬ!ƒ ƧƱơ Ǆƙ ǁ!ǫ!Ă Ü[2]" ǂǂƧƬ!ƒ ýǴǅ ƩǐƧ

ǄƥùƵ ƔƕƪǇǐ Ơƶƕ!ƒ ăǐƧ ƥƤĂ Üǂǀƕǂƪ!ƒ ǈƥǴǄ!ƒ Ŏƽ ƧǂǫǴǂ [3]ǂǂƧƬ!ƒ Ŏƽ ǂŏǁƤƒƥ!ƒ ǈƧƒƥǕƒ ýǴǅƵǐ

ƴùǅ ýùǅǴƶŏ ĭǫù!ƒ Ƨŏƺ!ƒ ǂŏǴǅơ Ĭ!ǫ ƴƞƧŏ ŎƥǴƽƒ Ƨŏƹ Ăǐ ǻŏƥǴƽƒ ǃƧŏƥǅ ŎƬĂǄ!ƒ ǁŏƧƬ!ƒ Ǉŏŏƶƙ

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[1] ƥƧƒĂƒ ƥŏƵ Ü ǅƨƨǅŏƵ ǴǂƧǉǂƙ!ƒ ƧƒƥÜ ǂŏƧƤǉƙ!ƒ ƘǴǂƧƬ!ƒ Ü ƥŏƵ ƥƧƒĂƒ 1969ƘĂƧǅ ƒ 379

[2] ǁ!ƥƵ ƨǂƧǅ ƘƒƧĂƬǉǅ 2000/2/27 ǫŏƧǴƕ ƧƥǴƬ 1999/ 1806 ǅƥƧ ƾĂǀơ ƨŏŏǅƙ

[3] ǁǴƞ ƺƪĂŏ ƘǴǂƧƬ!ƒÜǅŏǂơ!ƒ ÜǂŏƧǴƞƙ!ƒ ƘƒƧĂƬǉǅ ƴǅƧǴƞ ƾƬǅƥ 2000ÜǅƬ ƒ 291

[illegible] .[1]

[illegible] (43/أ) [illegible]

[illegible] (43/ب) [illegible]

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(1) [illegible] 165.

[illegible] [1] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (43/ƒ) [illegible] [2] [illegible]

[illegible]

[illegible]

[illegible]

---

(1) [illegible].

(2) [illegible] 132.

(20/)

(2)

(3)

(1) . .160

(2) .

(3) 2005، ص105

[illegible]

(1) سميحة القليوبي ،الشركات التجارية ، دار النهضة العربية ، 1988 الطبعه الثانية ،ص205

(1) 2005 ... 98

[illegible]

[illegible] .(1)

[illegible] .(2)

(1) [illegible] 2005، ص 105

(2) [illegible] .122.

[illegible]

[illegible]

[illegible] (43/f) [illegible]

[illegible]

(1) [illegible] 154 f .2006

(2) [illegible]

(3) [illegible] 2005، ص 43

[illegible]

[illegible]

[illegible]

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(1) [illegible] 164 [illegible]

(2) [illegible] 1806 [illegible] 1999/ [illegible] 2000/2/27 [illegible]

(3) [illegible] 2005 [illegible] 221.

Σǒù!Ă ƗǒƮƤT!ƒ ƝƙƽƮƕ ƗǂƧT!ƒ Ƨǒƥǒ Ăƞƽ ÜǇǒǉǆƓưƙǆ!ƒ ƇƓǂƧT!ƒ ýƕƿ ǇǆǇ ǉƧƓǒƙƤƒ Ɗƙ ƒƦ ƗǂƧT!ƒ

Ɨùɳǒƙǉ!ƒĂ ǑƮĂǆ ǁǒƧTĂ Ƨǒƥǆ ƝǇƊ ĬǁƵ Σǒ!Ă Ƨǒƥǆ ƝǇƊ ĬǁƵ ƔƪƓơǒ ǁ!Ʀ!Ă ÜƗǒǉǆƓưƙ!ƒ ƝƙƽƮƕ

ƝǒƮùƤT Ɨǒ!ĂƌƪùǆǑĂƒƪùǆ ǇĂǂǒ ƝǇƒ ĬǁƵ ƇƓǇƕ ƝƕǂƙƧƒ ƌƱƤ ĭƊ ǇƵ ýƌƪǒ ƻĂƪ ƝǉǕ ǉƥơƒĂ

(43/Ɣ) ǉƥƓùǆ!ƒ ƝǒǁƵ ƘƮǉ Ɠǆ ƒƦƞĂ ƝƙƧƒƥ ƇƓǉƊ ƗǂƧT!ƒ ƓƞƙǁǆơƙǑƙ!ƒ ǇĂǒƥ!ƒ ƴǒǆɳ ǇƵ ƗǁǆƓǂĂ

ǇĂǒƥù!ƒ ƴùǒǆɳ ǇùƵ ǕĂƒƪùǆ ǇĂǂǒƽ ƓƞƙƧƒƥ Ǒƽ ǑƮĂǆ!ƒ ǁǒƧT!ƒ ǁƧƙTƒ ƒƦ" ĬǁƵ ƘƮǉ Ʀ

ýƥƙ ǉƧƒƥǗƓƽ " ǇǆƓưƙǆ ǁǒƧT ƝǇƌǂ ƓƞƙƧƒƥ Ǒƽ ƝǂƒƧƙTƒ ƇƓǇƊ ƗǂƧT!ƒ ƓƞƙǁǆơƙǑƙ!ƒ ƘƓǆƒƨƙ!ǗƒĂ

.ǇǆƓưƙǆ ǁǒƧT Ƨǒƥǆ!ƒ ǇƊ ĬǁƵ ƓƞƙƶǒƕƱƕ

ƗǂƧTù!ƒ ǉƧƒƥ Ǒƽ ǇĂưĂƽǆ!ƒ ƇƓǂƧT!ƒ ǉƧƓƙƤǒ Ɗ! ĭƦ!ƒ ǑƮĂǆ!ƒ ǁǒƧT!ƒ ƧĂƥ ǇĂǂǒ ǁ!Ʀ!Ă

ĬǆƪùǒƓǆƒƦƞĂ ƓƞƙǘɳƪĂ ƓƞƙƓƕƓƪơĂ ƓƞƧƙƓƽƥ ĬǁƵ ƳǘƱǗƒ Ǒƽ ƨơ!ƒ Ɲ!Ă ÜǑƽƒƧTƊ ǑƕƓƥƧ ƧĂƥ

ƊƓùǆƊ ƗǂƧTù!ƒ ýùƛǆǒ ǇƊ Ɲ! ýĂƤƙ Ǒƙ!ƒ ƗǒɳƧƓƤ!ƒ ǉƧƒƥǗ Ǒƽ ǁƧƙTǒ ǇƊ ǇĂƥ ƗǒǁƤƒƥ!ƒ ǉƧƒƥǗƓƕ

ƴùǁƱǒ ǇƊ Ɲù! ƨĂɳǒ Ɠǆǉǒ "ǑǉƓĂ!ƒ ƓƞǉT Ǒƽ ƘƧǂƦ Ʀ (43/ƒ) ǉƥƓǆ!ƒ ƝǒǁƵ ƘƮǉ Ɠǆ ƒƦƞĂ Ü[1]Ƨǒʒ!ƒ

ƠưĂƙƪùǒ ǇƊĂ ƓƞƙƧƒƥ ƨƓǒƪ Ǒƽ ǉƦƤƙǆ!ƒ ƘƒƧƒƧ!!Ɠƕ ƗƮƓƤ!ƒ ƘǘɳƪƙƒĂ ƓƞƙƓƕƓƪơĂ ƓƞƧƙƓƽƥ ĬǁƵ

."ƓƞǉǇǉTƕ ǇǒƧƤǕƒ ƇƓǂƧT!ƒĂ ýĂƒƥƙǒĂ ƓƞƧĂǆƊĂ Ɠƞƙ!Ɠơ ǇƵ

[1] Σǒ!ǒ(ƓƮǒ ǕƻǒǆĂƪĂǆ ƗƵĂ ƘǂƧƒǆ!ƒ ƗǒƧǂɳ!ƒ Ɨ ǕǇǆƘƒƧƒƘƒ ǑƕƓǁơ!ƒ 2005، ص48

[illegible]

[illegible]

[illegible] (594) [illegible] [1] [illegible]

[illegible] [2] [illegible] (20/1) [illegible]

[illegible] [3] [illegible] 1989 [illegible] (1) [illegible]

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(1) [illegible] 2006 [illegible] 141.

(2) [illegible].

(3) [illegible].

[illegible] (1) [illegible]
[illegible]
(2) [illegible]

[illegible] (20/[illegible]) [illegible]
[illegible]
[illegible] (3) [illegible]
[illegible]
(4) [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

(1) [illegible]
(2) [illegible] 2009/ 1535 [illegible] 2009/ 10/ 29 [illegible]
(3) [illegible] 1988 [illegible] 218.
(4) [illegible] 124

(1) 124

(2) 255.

LJD ƥùŏƧŏ ĭƦù!ƒ Ƨŏƥdž! ƘǴǂƧT!ƒ LJĂLjǴp Ŏ5 ǷƬLj ƧǂƦŏ Dž! ŎLjƥƧŰƒ YƧTdž!ƒ LJD ƥƞLj LJǂ!

lƥǴùdž!ƒ ƫŏƧƱ LJƵ ŎLjƥdž!ƒ LJĂLjǴǀ! YĂƞƧ!Ǵv LJĂǂŏ Ƚ!ƌƪdž!ƒ ljƦNj ýơ LJD ƥƞLj Ŏ!Ǵk!ǴvĂ ÜNƪ5Lj ýƨƶŏ

NƞkLj DžĂ Ƚŏư!!ƒ ljƦnj! ǕǓơ Nŏ5 ƥƞLj Ŭ ĭƦ!ƒ lƧǴƞk!ƒ LJĂLjǴp Ĭ!ǫ ǴLjǀŏơk Ŏk!ƒ ƘǴǂƧT!ƒ LJĂLjǴp LJdž (3)

Ŏù5 Ɣŏǀ LJdž! ƨĂƞŏ Ŭ) ǴnjƬLj Ŏk!ƒ (595) lƥǴdž! NƞkLjĂ lƥǴdž!ƒ ƘƒƦ ƫŏƧƱ LJƵ ŎLjƥdž!ƒ LJĂLjǴǀ!

.[1] (ƒƧƧư ǂƧT!Ǵv ƫơǀŏ ƘpĂ Ŏ5 ýŏlkƪŏ ĂD Nƪ5Lj ýƨƶŏ LJD Ǵnj! ƒƧŏƥdž LJŏƵ ĂD ǂƧT!ƒ lƧƒƥǫ

lƥǴùdž!ƒ ljƦùnj! ǅĂƞǀ!ƒ ýNj ŎpǴ5kŰƒ Ƨŏƥdž!ƒ LJƵ DžǂkLj ǴLjǫ Ǵdžv ƧĂƛŏ ƥp ĭƦ!ƒ ǴLjNj ýƒƋƪ!ƒ LJǂ!

ýùNjĂ ÜƩŏùƪƌk!ƒ ƥlƵ Ŏ5 NŏǀƵ ƫǴ5kŰƒ Džk Ƨŏƥdž ĂNjĂ Nƪ5Lj ýƨƶŏ LJD ƥŏƧŏ Ƨŏƥdž!ƒ LJǴǂ ƒƦǫ ƤŏơƬ

DƧùƱŏ ƥp ǂƧT!ƒ ƥlƵ LJD ƧǴvkƵŰƒ Ŏ5 ǴLjƦPD ƒƦǫ ƚŏƧƱ!ƒ ljƦnjv Ơŏơ Ƭ Nƪ5Lj! ŎpǴ5kŰƒ Ƨŏƥdž!ƒ ýƨƵ

LJùdž ƚùlŏƧƱ!ƒ ljƦùNj ƥƧ5ŏ LJD YƧTdž!ƒ ĬǀƵ Ɣƞŏ LJǴǂ NLjD ƚơǴv!ƒ ƧƲLj ƚnjƞĂ LJdž .[2]Ƨŏƺk NŏǀƵ

ƫǴơ!ǫ ĂNj ƔƪǴLjdž ƘpĂ Ŏ5 LJǴǂ Ă! Ĭkơ ŎpǴ5kŰƒ Ƨŏƥdž!ƒ ýƒƨkƵƒ Ŏ5 ýƬŰƒ LJD LJŏvk lƥǴdžv ýƨƶ!ƒ

Ƨŏƥùdž!ƒ ƯƧdž ýƛdž ƒƥƞ ƚƶLjldž ýƒƨkƵŰƒ ƒƦNj ƘƒƧƧvdž LJĂǂk LJD Ɣƞŏ Ŏ!Ǵk!ǴvĂ ÜǂƧT!Ǵv ƧƧư!ƒ

LJdž ýƒƨkƵƒ ǁ!Ʀ LJǴǂ ǅƒĂƪ ÜƘƒƧƧvdž!ƒ ǁǀkv ƚdžǂơdž!ƒ yǴklk LJD Ǵưŏǀ ƔƞŏĂ Üýdžƶ!ƒ LJƵ ljƨƞƵ ĂD

Ƨŏƥùdž!ƒ Džƥùlŏ ǴdžLjŏơ ƘƒƧƧvdž!ƒ ǁǀkv ƚdžǂơdž!ƒ ƘƶLjkpƒ ƒƦƎ5 ÜǅǴǂƧT!ƒ ýhp LJdž ýƨƵ ĂD Ƨŏƥdž!ƒ ýhp

LJùdž Ƨŏƥùdž!ƒ ýƨƵ ƘƒƧƧvdžv ƚdžǂơdž!ƒ ƘƶLjkpƒ ƒƦǫ ǴưŏDĂ ÜƯŏĂƶk!ƒ LJdž Ĭ5ƶŏ Ƨŏƥdž!ƒ LJǴ5 NǀkǴlkƪƒ

ŎpǴù5kŰƒ Ƨŏƥdž!ƒ LJŰ .ƯŏĂƶk!ƒ LJdž LJĂ5ƶŏ DžnjLjƎ5 ƔƪǴLjdž Ƨŏƹ ƘpĂ Ŏ5 LJǴǂ Ă! Ĭkơ ǅǴǂƧT!ƒ ýhp

Ăùnj5 ǷǂŏƧùT LJǂŏ Dž! LJǫĂ ÜǁŏƧT NLjŰ ǂƧT!ƒ Ŏ5 ƒĂưƵ ĂNj ýv ÜƱl5 ǅǴǂƧT!ƒ LJƵ ǔŏǂĂ Ʃŏ!

.ǂƧT!ƒ ƥlƵ LJdž ǅƨƞ

.ŎLjƥƧŰƒ ƘǴǂƧT!ƒ LJĂLjǴp ([1])

.104 ƒ 2009ÜƎ5ǴlƛƒƧƥ ÜƚŏƧǴƞk!ƒ ƘǴǂƧT!ƒ ÜýƒǴLj ƚdžǴƪD ([2])

ÜŦǂƧƬ!ƒ ƇƠƯǀǉŬ Ǵƕ ǁ ǁ!Ʀ ǇĂǂŏ ýǌ5 ÜŦǂƧƬ!ƒ Ƨŏþǆ ýƒƨƙƵƒ Ă ýƨƵ ǇƵ ǅǂǨ ǴǉǬ ǴǆǊĂ

ÜƘǴǂƧƬ!ƒ ǇĂǉǴþ Ǉǆ (32) ǉþǴǆ!ƒ Ŏ5 ƘƧǂƦ þþ ƒ ǴƤƬŰƒ ƘǴǂƧƬ ƇƠƯǀǉƒ ƔǴǁǊ Ǉǅ Ŧŏǀơ!ƒ Ŏ5

ƧùƤƈ ǴùǁŎƱƶŏ þþ Ŏǆƶ!ƒ ýþƒĂ!ƒ Ǉǅ Ůǫ ÜƧŏþǆ!ƒ ýƒƨƙƵƒ Ăǅ ýƨƵ ƔǴǁŰƒ ǁǁ Ǉǆ ƧǂƦ ǅ!Ă

Ƙǁùǁǅ Ǵùǆǉŏơ Ƨŏþùǆ!ƒ ǁ!Ʀ Ǉǅ ĭǅ ÜŦǂƧƬ!ƒ ƇƠƬǫ Ŏ5 ǴŏǁŏƑƧ Ǵǁ Ƨŏþǆ!ƒ ƧǴŏƙƤƒ ǇǴǂ ƒƦ ĂǌĂ

ǇƎ5 Ǌ!ƨƵ ǅƙŏ Ǵǆǉŏơ Ǉǂ!Ă ÜƧŏƛǂ!ƒ ƇǴǂƧƬ!ƒ ǊŏǁƵ ýĂƶŏ ǇǴǂĂ ÜǴǌơǴƞǉ ǴƱƙƧǆ Ǌǆǁƒ ǇǴǂ ŦǂƧƬ!ƒ

Ǉǆ (33/4) ǉþǴǆ!ƒ ƪŏƧƱ ǇƵ þǀƶ!ƒ ơǁ5 Ĭ!ǫ ǁ!Ʀ ĭþƋŏ Ǵǆǆ ýơƙǁŏ ƻĂǁ ƇǴǂƧƬ!ƒ Ǉŏǉ ƻŭƤ!ƒ

ƘùǉǴǂ ƒƦ " Ǌùŏ5 Ƨþùƫ ǴǌǀǄ!ǂơ Ŏ5 ŦǆǉþƧŰƒ ƨŏǆƙ!ƒ Ŧǆǂơǆ ǊǕ ƘƯþ ǴǆƒǦĂ ƘǴǂƧƬ!ƒ ǇĂǉǴþ

ƘǴù5ŭƤ!ƒ ǉƦùǊ ǇǴ5 ÜŦǂƧƬ!ƒ ýǴǆƵǅ ƧƒƧǆƙǁƒ ǴǌƶǆƧƦƶŏ ƇǴǂƧƬ!ƒ Ǉŏǉ Ŧǆǂơƙǁǆ Ƙǁ5ŭƤ ǁǴǉǊ

.[1]ƘǴǂƧƬ!ƒ ǇĂǉǴþ Ǉǆ (33) ǉþǴǆ!ǀǁƱ ǴǌƙŏƨƫƙĂ ŦǂƧƬ!ƒ ơǁƨ! ƒƧƧǁǆ Ƙþƹ

ýƨùƵ ƧùǁƙƶŏƧŏþǆ!ƒ ǁŏƧƬ!ƒ ýƫ5 ýǌ5 ǴǂŏƧƬ ǇĂǂŏ ǉþǴƶ!ƒ Ŏ5 ŎþǴƨƙŮƒ Ƨŏþǆ!ƒ Ǉǅ ǴǆǊĂ

þùþ ǅǌǇǅ ǴǆǊĂ ÜǊ!ƨƵ ƪơ ǅǌ! Ŏ!ǴƙǴǊĂ Ƨŏþǆ!ƒ ƒĂǉŏƵ Ǉǆ ǅǊǋ ƇǴǂƧƬ!ƒ Ǉǅ Ŧǀŏơ!ƒ Ŏ5 ÜǀƧƒþŮƒ ǇƵ

ǁŏƧƬù!ƒ ýƫù5 ƪùơ ǅǌ! Ǉǅ Ĭ!ĂŰǴ5 ÜŦǆǂơǆ!ƒ Ǉǆ ƧƒƧǀǉ ŦǂƧƬ!ƒ ǇƵ Ƨŏþǆ!ƒ ǁŏƧƬ!ƒ ƒĂǅƫŏ

.[2]ýƨƵ!ƒ ǁ!Ʀ Ǉǆ Ǌǉ ƪơǆǁ Ŏǁ!ƒ ƧƒƧƯŰƒ ǇƵ ƯĂƶŏ Ǉǅ ŦƱŏƧƬ ǴǂŏƧƬ Σŏ!Ă Ƨŏþǆ Ǌǁƫǌ

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(1) ƨŏŏǆǁ ƪĂǀơ ƨŏŏǆǁ ƪĂǀơ 2007/1418 ǅþƧ ƫþǴƫ ơŏƧǴǁ 2008/2/4 ǴǆƧĂƬƒƘ ǆǂƧƨ ƶƨ!ƒ.

(2) ǁŏƵ ǆŏơǆ þþǆ ǉþǁ ÜǴǂǴơ ƒ5 ǁŏƧƬ!ƒ ǁǆƦǂǉ ĬǀƵ ŦǂƧƬ ƒ!ǁƯǴǂǆǇÜ ǴǆƨǊ ƪƧƬ!ƒ ƒŰĂǁƱÜ ƧǁǴ!Ŧ
ǆǴƞǁƧŏÜ2010 ƒ 48.

:ÙĜĚþǁĔ ƒǂŪŽǁĔ

Ĭ ƽŦǂŰĔ þĭȜ þĭǫŽǁĔ üŖY

þùǀƵ Ŏ5 ǇŎžŏ ĭŖ!ƒ Ƨŏþdž!Ĝ5Ü Ĝnjŀ ǇŎƵ Ŏķ!ƒ ǂǀŏƧƱ!ƒ ǁǁķŀ ǇĂǂŏ ŎpĜ5ķŰƒ Ƨŏƹ Ƨŏþdž!ƒ ýƨƵ

Ƨŏþdž!ƒ ǁ!Ŗ ýƨƵ ǇŰ Üþǀž!ƒ ǁ!Ŗ Ĭ!ǫ YĂŋƧ!ƒ Džķŏ ǇĐ þŀ ǘ5 ÜŃ!ƨƵ Džķŏ ĜdžǇŏơ Ʃŏʅǁķ!ƒ þǀž! ƾơŮ

ǁù!Ŗ Ŏù5 ŎpĜ5ķŰƒ Ƨŏƹ Ƨŏþdž!ƒĂ ĈĜǂƧŢ!ƒ ǇŎŀ Džķ þp ƾĜ5ķŮƒ ǇĐ Džƒþ ĜdžĂ Üþǀž!ƒ ǁ!Ŗ þĂǇŀŀ ƱķƧdž

ǂǂƧŢù!ƒ Ʃŏùʅǁķ þǀƵ ǇĐ ĜdžŀĂ ÜĜnjŏǁƵ þpĜžķ!ƒ Džķ Ŏķ!ƒ þĂǇŀ!ƒĂ ƱĂƧŢ!ƒ Ĭ!ǫ YĂŋƧ!ƒ Džƨǁķʅŏ5 þǀž!ƒ

ǇĂǇĜùǀǁ! YĂŋƧ!ĜùŀĂ ǂùdžĜž!ƒ þƵƒĂǀǁ! ƴŋƧǇ ĜdžǇŏơ ǅưŏĐĂ ǂǇĂƧdž þƒþƨŏ ƧdžŰĜ5 ýŏþžķ!ƒ ǇƵ þŏžŀ

ýƨùƵ ĂĐ Džnj!ƨùƵ ƨĂùŋŏĂ" :ĬǁƵ ƘƮǇ Ŏķ!ƒ ǂʎ!ĜĂ!ƒ ĜnjķƧǀ5 Ŏ5 (594) ŃķþĜdž Ŏ5 ƒþŏþơķ ŎǇþdž!ƒ

.[1]" Ĝnjŀ ǇŎƵ Ŏķ!ƒ ǂǀŏƧƱ!Ĝŀ DžŇǇþơƒ

ƴŏdžŋ YĜdžŋǫ Džƨǁķʅķ Ŏķ!ƒ ƘĜǂƧŢ!ƒ ǇĂǇĜp ǇDž ǇŏƧŢƵ DžpƧ ǂ!þžž!ƒ ǀþĜdž!ƒ Ĭ!ǫ YĂŋƧ!ĜŀĂ

Ƨùŏƹ ŎpĜù5ķŰƒ Ƨŏƹ Ƨŏþdž!ƒ ǇĜǂ ƒŖǫ Ŗŏ5ǇķǇ! ŃǇŀĜp ǇĂǂķ þp ĜŃǇþŋǇ ĜǇǇĔ5 ÜƧŏþdž!ƒ ýƨƵ ĬǁƵ ĈĜǂƧŢ!ƒ

ƴùŏdžŋ ƘĂƮŏ ǇĐ ŎǁdžƵ!ƒ ƴþƒĂ!ƒ Ŏ5 ƾǀơķŏ þp Ŏ!Ĝķ!ĜŀĂ ĈĜǂƧŢ!ƒ ǇDž Ʃŏ! ĜǇŃǇ Ƨŏþdž!ƒ ǇŰ ǁŏƧŢ

ǇDžĜưķ!ƒ ǂǂƧŢ ǀƧƒþĔŀ ƯĂ5dž!ƒ ƒ ƤŢ!ƒ ǇĜǂ ƒŖǫ ŃǇƒ ĬǁƵ (ƒ) ǀƧǀ5 Ŏ5 ƘƮǇ ǂŏơ Ü[2]ĈĜǂƧŢ!ƒ

ƴùŏdžŋ ǂǀ5ƒĂdžŀ Ůǫ Ń!ƨƵ ƨĂŋŏ ǘ5 ƒ ĜƤ þǀžŀ ĂĐ ǂƽƮ!ƒ ǁǁķŀ ǂǂƧŢ!ƒ þǀƵ Ŏ5 ǅǇŏždžĂ Ĝnjŏ5 ǅǂŏƧŢ

þùǀƵ ƒ ùǇ ƒŖǫ Ůǫ ÜĈĜǂƧŢ!ƒ ƴŏdžŋ ƻƮǇ ĬǁƵ þŏƨķ ǂŏƧʎǂŰĜŀ ƧþƮ ƧƒƧp ĬǁƵ ĈĜǇŀ ĂĐ ĈĜǂƧŢ!ƒ

(1) DžùpƧ 1989 DžùpƧ Ƙpƌdž!ƒ ƘĜǂƧŢ!ƒ ǇĂǇĜp Ŏ5 ƧǂŖ þp ƒ Ǉ!ƒ ƒŖŇĂ (ǁ!Ŗ Ƨŏƹ ĬǁƵ ǂǂƧŢ!ƒ

ŎpĜ5ķŰƒ Ƨŏƹ ǁŏƧŢ!ƒ Ƨŏþdž!ƒĂ ŎpĜ5ķŰƒ ǁŏƧŢ!ƒ Ƨŏþdž!ƒ ǇŎŀ ǅơưƒĂ ƾŏƧ5ķ!ƒ ǇĜǂ ǇĂǇĜǀ!ƒ ǁ!Ŗ Ŏ5Ă

([1]) ǀþĜdž!ƒ -594 ǇĂǇĜǀ!ƒ ŎǇþdž!ƒ ŎǇþƧŰƒ.

([2]) þŏžʅ ŎŏơŎÜƒ!ĂŋŏƨŎ5 ǇǇÜǀǇDž!ƒ ĭƧĜŋķ!ƒ ʅǇžĂþĭÜ ƔķǂDž!ƒ ƧžŎ!ƒ ơþŏǂ Ü ƒŰʅǂǇþǂŏǂÜ ƒ 161.

ǍD ǁöƧùT Ɣ̈ƱǏ̈Ʒ ƇǤǉǇ ŦǂƧT!ƒ ǇƷ ýöpǍķ!ǤǍ ƖƧƒþǗǤ ƯǍƽdž!ƒ ǁöƧT!ƒ ýƨƷ ƨǍƞö .Ɣ

Ŧdžǂơdž!ƒ ƦƤķķǍ ýƨƶ!ƒ ƒƦǊ ƧƧhö ǴƷǍƧTdž ǺǊƪ ƘDƧ ƒƦ Ŧdžǂơdž!ƒ ǇdžƧþƬö ƧƒƧǀǍ ƧƛǂD

Ǵùnjö̈Ʒ Ƙþǉķùƪƒ Ǒķ!ƒ ƖþǴdž!ƒ ǑǊ ƖþǴdž!ƒ ǉƦǊǍ Ü(1)"ýöþ!ƒ ƯǍƽdž!ƒ ǇǑözķ ǿƧƒƧp ŦƬķƤdž!ƒ

ýƨƶ Ŧ!ǴƱdž̈! ǇdžǴƣķdž!ƒ ǁöƧT!ƒ ƇǍƞ! ǇD" Ǌö5 Ǐ ķD Ǵnj! ƧƒƧp Ǒ5 ŦöǉþƧǕƒ ƨödžķ!ƒ Ŧdžǂơdž

.(2)"ǇǍǉǴ!!ƒ ƖƨǴƞǫ ƾơ ǍǊ ǊƞƒƧƤǫǍ ŦǂƧT!ƒ ƖƧƒþǫ ǇƷ ƨödždž!ƒ

ǑpǴùƽķǕƒ ƧùöƸ ƧöþdžƸ!ƒ ýƨƷ ƧƒƧp ýƶƞ ǴdžǉöƠ ƖþǍTǉdž!ƒ Ŧ!ƒþƶ!ƒ ƾ!ơ þp YƧTdž!ƒ ǇD þƞǉ

Ƨöþùdž!ƒ ýƨƷ ýƶƞķ ýöþƶķ!ƒ ýp (ƒ) ƖƧ!5 20 ƖþǴdž!ƒ ƘǉǴǂ ǴdžǉöƠ5 ÜǉƦǴƤķǴ ƾơD ǍǊ Ǉdž! ǁöƧT!ƒ

ƒƦ Ǖǫ ýöơķƪùdž ƧdžD ƒƦǊǍ ÜƧöþdž!ƒ ýƨƷ Ǐ̈Ʒ ƇǴǂƧT!ƒ ýödžƞ ƘǍƬö ǴdžǉöƠ ǁöƧT!ƒ ǑpǴƽķǕƒ Ƨöƹ

ýöþùƶķ!ƒ þùƶ ƖþǴùdž!ƒ ǇD þƞǉ5 ÜǑ̈džƶ!ƒ ýpƒǍ!ƒǍ ƯpǴǉķö Ǵdž ƒƦǊǍ Ǌƪ5ǉ ýƨƷ Ǐ̈Ʒ ƧöþdžƸ!ƒ ƘǍƬ

Ǵùdžǉöơ ǴnjǉdžƸ ƖƧƱķǉdž!ƒ Ŧ!ƒþƶ!Ǵ ýƤķ ǇD ǇǍþ ǴnjǉöƱķ ýnjƪö Ǵdždž Ǒ̈džƶ!ƒ ýpƒ!ƒ ýdž Ɣƪǉķķ ƘơƬD

ÜƇǴǂƧTù!ƒ ýödžƞ ƠƱƬdž þǉƷ ƻǉ ǴǉǊǍ .ƇǴǂƧT!ƒ ýödžƞ ƾƽķƒ ƒƦ Ƨöþdž!ƒ ýƨƷ ƨöƞķ ǑnjƼ ÜƾƱķ

ǇùdžƸ ƧùƛǂD ǁ̈ķdžķ Ǒķ!ƒ ŦöƧƛǂǕƒ Ŧ!5ƒǍdž ǍǊǍ ƧƤơ ƧǴöƤ ýƶƞ YƧTdž!ƒ ǇǂǍ ýööơķƪdž ǊƖT ǊǉƒƦ

Ǖǫ" ƒ ǉù!ƒ ýùƶƞö Ǎnj5 ÜǴǉǂdždž ƖþǴdž!ƒ ǉƦǊ ƾöƱķ ƾǴƱǉ ýƶƞö ƧǴöƤ!ƒ ƒƦǊǍ ÜŦǂƧT!ƒ Ǳnjƪ ƻƬǉ

ƻƬùǉ Ǉùdž ƧƛǂD ǁ̈ķdžķ Ǒķ!ƒ ŦöƧƛǂǕǴ ƇǴƽķǂǕǴ5 Ǌ! Ǐǉƶdž Ǖ ǿþƑƒƨ ǴƬǉ "ƇǴǂƧT!ƒ ýödžƞ Ŧ!5ƒǍdž

ýöþùƶķ ƧƧp ǴdžǉöƠ ǑǉþƧǕƒ YƧTdž!ƒ ǇD Ǎ!5 Ǒ!ǴķǴǍ Ƨöþdž!ƒ ýƨƷ ƧƒƧp ƦǴƤķǕ Ǒƽǂķ ŦǂƧT!ƒ Ǳnjƪ

ýƨƶ! Ǒƽǂķ ŦöƧƛǂǕƒ ǇǕ (ƇǴǂƧT!ƒ ýödžƞ Ŧ!5ƒǍdž)ƠƱƬdž Ʀơö ǇD ýƣ5ǕƒǇdž ǇǴǂ! ƖþǴdž!ƒ ǉƦǊ

Ǳnjùƪ ƻƬùǉ ǇdžƧƛǂD ǁ̈ķdžö Ƨöþdž!ƒ ǇǴǂǍ ƇǴǂƧT!ƒ ŦöǴdžơ þƒƧD YƧTdž!ƒ ǇD ǴǉƣƧ5 Ǎ!Ǎ ÜƧöþdž!ƒ

ƒƦùǊ ǇD Ʀ (Ƨöþùdž!ƒ ƒþùƷǴdž ƇǴǂƧT!ƒ ýödžƞ Ŧ!5ƒǍdž) ƖþǴdž!ƒ ƒ ǉ ǇǍǂö ǇD Ǐ!ǍǕǴ ǇǴǂ5 ŦǂƧT!ƒ

.ǑǉþƧǕƒ ƘǴǂƧT!ƒ ǇǍǉǴp (1)

.Ŧ!ƒþƷ ƨǂƧdž ƘƒƧǍTǉdž2009/ 10/ 29ƣöƧǴķ ƧþǴƬ 2009/ 1535 ǊpƧ ƾǍ!ơ ƨöödžķ (2)

(1) 124

(863)

(20)

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (3) [illegible] [1] [illegible]

[illegible] (595) [illegible]

[illegible]

[illegible] [2] [illegible]

[illegible]

[illegible]

(1) [illegible] 167.

(2) [illegible]

[illegible]

(1) [illegible] 1971، [illegible] .108

(2) [illegible] 2005، ص118

NJùƅ DžĂùlŏ LJD ƔɳŏǴdžĂ ƽơŏ Ǵdž ýǂ LJƷ5 Ŏ!Ǵķ!ǴƅĂ ÜNIķǴƱǇ Ǫ þŏþơķ Džþƶƅ ƚlǇƱdž ƘǴŏơǖ Ʈ NLjĂƱƶŏ

ƚƱǇ Ǫ ŎƱƵǾ ĭ Ʀ!ƒ ÜƧŏþdž!ƒ ǁ!Ʀ! ƟĂdžǪdž ĂnjƷ ǴnjǇɳƒ LJdž ƘƑTǇǐ Ŏķ!ƒ Ǵnjƣ ƧƸ ƽŏlơķ! ƚǂƧT!ƒ Ƨŏþdž

þùɳǈ LJǫ ƴŏƱķǪùǈ .(1)Ƨŏþdž!ƒ ƘǴƱǇ Ǫ þþơŏ ĭ Ʀ!ƒ ĂNj ƚǂƧT!ƒ Ʊ Ƨƹ ǁ!Ʀ ƽŏlơķ LJD ƧŏƸ ÜƚlǇƱdž

ǁŏƧùT ýǂ! ƽơŏ" ĬǇƵ ƒ Ǉķ Ŏķ!ƒ ƘǴǂƧT!ƒ LJĂǈǴþ LJdž (17/1) lþǴdž!ƒ Ŏ5 Ƨŏþdž!ƒ ƘǴƱǇ Ǫ þĂþơ

ÜǴùnjķƧƒþƷƅ LJŏƣĂƣƷdž!ƒ ǅǴǂƧT!ƒ ǅǴdžǪǐ ƚǂƧT!ƒ þlƵ þþơŏĂ LJdžǴƣķ!ƒ ƚǂƧT lƧƒþǫ Ŏ5 ǁƧķTŏ LJD

ƒƦùNj DžǴùǂơǕ ǴlƷĂ ƚǂƧT!ƒ ýǴdžƵƅ DžĂlŏ LJD ƱĂƷdž!ƒ ƒ ƤT!ƒ ĬǇƵĂ DžnjķǴŏơǖ ƮĂ ǴnjǈƵ ƴŏþĂķ!ƒĂ

NJù! ƚơĂǈdždž!ƒ ƽĂlơ!ƒĂ NŏǫƚƣĂƷdž!ƒ ƘǴŏơǖ Ʈ!ƒ þĂþơ ŎƷĂ NƅɳĂdžƅ lƧþǴƮ!ƒ ƚdžƲǈǕƒĂ LJĂǈǴl!ƒ

.."..ƚǂƧT!ƒ þlƶƅ

ýǂ" :ĬǇƵ ƒ Ǉķ Ŏķ!ƒĂ(591/1) lþǴdžǇ! ƒ ĂƮƤ!ƒ ĬǇƵĂ ŎǈþdžǇƒ LJĂǈǴlǇ! ƳĂɳƧ!Ǵƅ Ǵƣ ŏǐĂ

ƽùlơŏ Ǵùdžƅ ƻƧƮùķ!ƒ ŎùƷĂ ƚǂƧT!ƒ ýǴdžƵǐ lƧTǴƅdž Ŏ5 ǅǴǂƧT!ƒ ŎþǴƅ LJƵ ǕŏǂĂ Ƨƅķƶŏ ǁŏƧT

lþǴùdž!ƒ ǴƣùŏǐĂ " ǁù!Ʀ ƧŏƸ ĬǇƵ ƽǴƷķƒ ĂǐǇ ƒ ǈ ǁǴǈNj LJǂŏ Dž! Ǵdž NǇɳǐ LJdž ƘƑTǇǐ Ŏķ!ƒ ƱƧƺ!ƒ

ĬùǇƵ Nƅ ƘƱŏǈǐ Ŏķ!ƒ ƚǂƧT!ƒ ƱƒƧƸǐ þĂþơ Ŏ5 ƻƧƮķŏ LJD ƧŏþdžǇ! ĬǇƵ ƒ Ǉķ Ŏķ!ƒĂ (593/2)

ƽƅùǪ Ǵdž ĬǇƵ ǅǴǈƅĂ "ĭƧǴɳķ!ƒ ƻƧƶ!ƒ Nƅ ĭƧɳ ǴdžŏƷ LJǂķ Dž! LJǴƷ þlƶ!ƒ ƒ ĂƮǈƅ ǁ!Ʀ Ŏ5 þŏlķŏ LJD

:ŎķǓǴǂ ƳĂƧƷ Ĭ!ǫ ƔǇƱdž!ƒ ƒƦNj DžŏǪlķ Džķ þlƷ

. ƒ NjƻDžǁƐ þĭǫDžǁƐ lƑǴɯƐNj :üNjǓƐ Ʊþƻǁ Ɛ

. ƒ NjƻDžǁƐ þĭǫDžǁƐ lƑƱǂƨ :ĬdžƑķǁƐ Ʊþƻǁ Ɛ

.þĭǫDžǁƐ lƑƱǂƨ ĂǂƳ ƅƮNjþƻDžǁƐ ǫNjĭƨǁƐ :ƘǁƑķǁƐ Ʊþƻǁ Ɛ

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89 ƒ 1986ÜƚŏƅƧƶ!ƒ ƚƣnjǈ!ƒ ƧƒþÜƚŏƧǴɳķ!ƒ ƘǴǂƧT!ƒÜĭĂǴþƧT!ƒ þŏƶǪ þĂdžơdž(1)

[illegible]

[illegible]

[illegible]

[illegible] [1] [illegible]

[illegible] [2] [illegible]

[illegible] [3] [illegible]

[illegible]

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[1] [illegible] 18 [illegible].

[2] [illegible] 2005، ص109

[3] [illegible] 109.

ǴnjǩdžǒǷ ĂĐ ŀǒƧǴŋǩ!ƒ ǴnjǩǷǚƵĂ ŀǂƧƬ!ƒ Džʅƒ Nj!ǚʓǩʅǗ ŀŋǒǩǉ ǴnjǒǃƵ ýƮơ ƴƼǴǉdž ĭĐ ǁ!Ʀ Ŏƽ

ƘǴùǀƾǉ!ƒĂ þùƑƒĂƾ!ƒ ǁù!Ʀ Ŏùƽ Ǵdžǚ ÜǁǀƦ ǴƒƧŋ ǇǇdž ŀǂƧƬ!Ǵǚ ƾơ! ĭƦ!ƒ ƧƧư!ƒ ǇǴdžưĂ

.[1]ŀǂƧƬ!ƒ ǴnjǩþǚǂǩŎǩ!ƒ ƻǒƧǴƮdž!ƒĂ

ĂĐ NjùǩƨǴǒơ Ƙùơǩ Ǵnjƶùư Ă ĬǃƵ ǅþǷĐ ŀǂƧƬǃ! þĂƶǩ ƘƒþĂŋĂdžĂ ýƒĂdžĐ ĭĐ ǇƵ ǴǚǴʅơ .2

ŀǂƧƬùǃ! ƘƒþĂùŋĂdž!ƒĂ ýƒĂùdžǕƒ ǁǃǩ þǒƶǒ ǇĐĂ ÜŀǒƮƤƬ!ƒ Njǩƶƾǉdž! Ǵnj!ǚʓǩʅƒ Ă NjƼƧƮǩ

ƧƧưĂ ýƱƵ ǇdžNj! Ƙư Ƨƶǩ Ǵdž ŀǂƧƬ!ƒ ƱǒĂƶǩĂ ÜǀƧǴʅƤĂ ƻǃǩ Ǉdž Ǵnjǚ ƾơ! Ǵdž NjǆǒǷĂ

.[2]ƠǚƧ ǇdžǴnjǩǴƽ ǴdžĂ

([1]) ƩǴǒ!ǫ ǴƮǒƻÜ ǴdžĂʅƵŀ ǴƧǂƬ!ƒ ǴƒƘ Ĭŋ!ǴƧǒŀ ÜǇdž ǴǀƬĂƧƒƘ !ơǇǚŎ 2005، ص114

([2]) !ƱǒƻŋǚƧ ǂĂdžǴǉÜŎ ǂĂŋǒƨ ƽŎ ƬƧƟ ǴǉĂǇ !ƧƬǂǴƘ ǕƧþǉÜŎ ƒþƧ ǕǚŋþǒƗ ǉǃƬƧ ĂƒǩĂƨǒƴÜ ƵǴdžǇÜ1983
ƒ 40.

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible] 1986، [illegible] 74.

(2) وجية كمال أباظه ، التاجر والاعمال التجارية والشركات ،الطبعه الثانية ، 2009 ص82

[illegible]

[illegible] [1]

[illegible]

[illegible] [2]

(1) [illegible] 169.

(2) [illegible] 200 [illegible] 210.

[illegible]:

[illegible]

[illegible][1] [illegible] (21) [illegible]:

1. [illegible].
2. [illegible].
3. [illegible].
4. [illegible].[2]

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(1) [illegible] 172

(2) [illegible] 126

[illegible]

[illegible] (18) [illegible]

[illegible] (18 [illegible]

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(1) [illegible] 1969 [illegible] 230.

(2) [illegible] 2008 [illegible] 127

DžþƤƙʅƙ ŬĂ ÜŧƵĂƧTdž ŧʅ5ǴǉdžǃƒǁǁƙǇƊ DžƒþǴdž ÜǉƧŏƩ ŧơǃƮdžǃĂƊ ǊƙơǃƮdžǃŧǂƧTǃƒƱǴTǉǃǴʅƧǴdždž

.ŧ5ŏƧT Ƨŏƹ ƔŏǃǴʅƊ Ǵnjŏ5

Ŏù5 ǁƒƧƙTǓƒǇdž ƧŏþdžǃƒƴǉdžŏƒƦǴdž5ÜŧǃǴǊǃƒþŏǀǃƒ ǏǃƵ ƽƕƱǉŏǴdž ƴƕƒƧǃƒþŏǀǃƒ ǏǃƵ ƽƕƱǉŏĂ

ǁùǃƦ ƧŏþdžǃƒǬƱƶǬŬƒƦǴdžǃĂÜYĂǉǃƒƒƦǋǇdžŧǂƧT ƧŏþŏĂƊŧnjƕǴTdžĂƊŧǃǴdždžŨǴdžƵƊƩƧǴdžƙŧǂƧT

ƯùƶƕǇƊǴǉþùƞĂǃƴùpƒĂǃƒǏǃƍǴǉƧƱǉĂǃĂÜĈǴŧƧTǃƒǇdžŧŏƱƤƘǴǀ5ƒĂdžǇĂþƕǀƧTǴƕdžƽơǃƒ

ŧǂƧTùǃƧŏþdžǃƒƒƦǋýƛdžƧŧƙơŏƒƦǴdž5ÜƘpĂǃƒƘƒƦŎ5ƘǴŧƧTǀþƵƟǴƞǉŎ5ƔƕʅǃƒĂǋĈƒƧþdžǃƒ

YƧTùdžǃƒǇƊĂù5ÜƘǴŧƧTǃƒƟǴƕƧƊŎ5ýƮŏ5ǃƒŎǋŧƵĂƧTdžǃƒŧʅ5ǴǉdžǃƒǁƧƙƙŬƒƦǴdžǃĂÜǀþơƒĂ

ǇùdžǯþĂùŏpþùƞĂŏǇƊǇdžýư5ƊǇǴŧǃƧŏþdžǃƒƘǴƱʅDžŧơƙǇdžŎǋ (18) ǀþǴdžǃƒǁƧƙŎǉþƧŪƒ

Ŏŧǃŧŏ ƱƤŧǀ5ƒĂdžǋǉĂƱƶŏǇƊŎ5ĈǴŧƧTǃƒ ƻǴƱƶƙʅǴƕÜŧŏǉǃƒĈŎʅƧŏþdžǃƒǴnjŏǃƵýŏǴơƙŏǇƊýnjʅǃƒ

DžƛǯƧŏþdžƧǴƙƤŏǴŧŏƧT þƞǉǇƊƧþǴǉǃƒǇdž5ÜƧdžƒĂƊǋƙǴƕǃƱýƶƞŏǀƧƒþŬƒýþƒĂĂÜǋǃƶ5þŏƧŏǴdžƕDžĂǀŏ

.ǋƙǴƕǃƱƯ5Ƨŏ

.[1]

(1) 2005 f 103.

(1) .243 ... 2003 ...

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible] 2000 [illegible] 312 .

:üNjŬɛ Ʊϸƺǁɛ

ϸĭǫDžǁɛ ϸɰċ

Ǵùdž fŖNjĂ [1]ČǴŧƧT!f ŎpǴŀ ŧǀ5fĂdžŀ Ǚǫ NǁdžƵ LJƵ ǀd5Ǵŧdž ĂD ẛƧɳD ƨơƙʅŏ Ǚ ǁŏƧT!f Ƨŏϸdž!f

ϸùǀj5ǀj Ǵùǀjǀj5 ǁŏƧT!f Ƨŏƺ Ƨŏϸdž!f Ŧ!ǡʅdž DžǴdžǫ ƻǀǀj Ǵdžǀjŏơ LJŧ!Ă ÜŦơfƧʈ ýŧŀ (17) ǀϸǴdž!f Nǀkdžʅơ

:ŎkÜǴŧ Ƨɳū! ǁŏƧT!f Ƨŏƺ Ƨŏϸdž!f ƨǴǀơkʅf

LJĂŧŏ ƧɳǕf fŖNj ǀϸǴƶ!f Ŏ5Ă ÜŦŧƧT!f Ŏ5 NǁdžƵ ýŀǴǀdž ẛƧɳD ǁŏƧT!f Ƨŏƺ Ƨŏϸdž!f ŎưǴǀkŏ

NǀùǀJf ƨùơ!f Nǁ5 ČǴŧƧT!f ýŀp LJdž ǴnjŏǁƵ ýƑǴʅŏ ƘǴŀɳfĂ ǁǴǀjNj LJŬĂ ÜNJ!Ŗŀŏ ĭŖ!f ϸnjɳ!f ydž ǴdžƑŭkdž

ϸϸùơdž Ƨŏϸùdž!f ƧɳD LJĂŧŏ ǀϸǴƶ!f Ŏ5Ă ÜNǀŏǁƵ ŦưĂƧ5dž!f ƘǴŀɳfĂ!f ǁǁkŀ DžǴŏǀ!f ýŀǴǀdž ƧɳǴŀ Džnjŀ!ǴƱŏ

ɵǴùŀƧǕf LJdž ŦŀʅǀJ ĂD ǴkŀǴǀ ǴƺǁŀÐdž LJĂŧŏ ϸǀ5 ÜNǀƶ5ϸ Nǀŏ5ŏŧ LJǴŏŀ Ĭ!ǫ NJ5ǴưD ÜŦŧƧT!f ϸǀƵ Ŏ5 Ƨfϸǀdž!f

.[2]ϸϸʈ!f fŖNj Ŏ5 Ƨŏϸdž!f ydž ČǴŧƧT!f NǀŏǁƵ ƨ5kŏ Ǵdždž ǁ!Ŗ Ƨŏƺ LJĂŧŏ ϸpĂ

Ŏù5 ǀϸùơfĂ Nǀƶ5ϸ yƺϸŏ ϸp ĂD ÜɵǴŀƧǕf LJdž ŦŀʅǀJ ýŧT ĬǁƵ yƺϸŏ ϸp Ƨŏϸdž!f ƧɳD LJD ǴdžŀĂ

LJǀùdž ŦŧƧT!f Ĭ5ƶk ýnj5 ÜýǴŧTǕf ǀjŖNj LJdž ýŧTŀ LJŏ5ƧƱ!f LJŏŀ NǀŏǁƵ ŎưfƧk!f Džk ĭŖ!f Üϸǀƶ!f ŦŏǴnjǀj

Ŏù5 ÜýǴơ ýŧ ĬǁƵ Ƨŏϸdž!f ǀƧfϸǫ Ĭ!ǫ Ŧɳŏkǀj!f ǁǁk ăƨƶk ýNjĂ ÜɵǴŀƧD ƘǀǀơLJŧk Dž! fŖǫ ƧɳǕf yƺϸ

ǴùơǴŀƧD ŦŧƧT!f Ƙǀǀơ ČfĂʅĂ ÜǀƧfϸǕf ýǴdžƵŀ NǀdžǴŏp ýŀǴǀdž ǴǀơkʅdžƧŀkƶŏ Ƨŏϸdž!f Ƨɳf LJD Ŧǀŏǀơ!f

NǀùpǴ5kf ýŀǴǀdž NǀǀơkʅfĭŖ!f ǀƧɳD Ƨŏϸdžǁ! yƺϸk Ǚ LJD ĭĂǀjƶdž f ƤTŧ ƨơ!f Ǵnj! Σŏǁ5 Üƨǀơk Dž! ĂD

[1] ǴdžŏƱ! ŠŀɳƧ ŧĂǴdžǀÜŎ ɵƧT LJĂǀjǴp ƘǴŧƧT!f Ƨfϸ ÜŎǀjϸƧǕf ŀɳϸŏŦ ƵdžǴǀJÜ1986 , f 41.

[2] ʅdžŏơŦ ÜŎŀĂŏǁ!f ƘǴŧƧƙ!f ÜŦŏƧɳǴǀk!f ÜŦŏƧɳǴŏ!f ÜǀƧŏǴǀJ!f ÜŦƶŀƱ!f ÜŦŏǀǴǀJ!f f 214.

[illegible]

[illegible].(1)

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (49) [illegible].(2)

[illegible]

[illegible]

(1) [illegible] 2005، ص116

(2) (49) [illegible].

[illegible] .(1)

[illegible]

[illegible] 593 [illegible] (81) [illegible] 2 [illegible] 3 [illegible]

(1) [illegible] 2009 [illegible] 133.

(2) القانون التجاري الاردني

ǴùnjöǁƵ ƨhƱǈö Ǵdž ƘǴǂƧƬ!ƒ ǇǍǈǴp Ŏ5 Ǉǂŏ Dž! ǇƎ5 ǇǍǈǴl!ƒ ƘƒƦ! ƳĂƞƧ!Ǵħ ƘǴǂƧƬ!ƒ ǇǍǈǴp ƨŏħƱķ

.Ŏǈþdž!ƒ ǇǍǈǴlǁ! ỹƞƧǉ ǇǍǈǴl!ƒ ǁ!Ʀ Ŏ5 Ƚ!ƌƪdžǁ! ƨǴħƱǈƒ þƞǉ Ŭ ǴdžþƶħĂ ĭƧǴƞķ!ƒ ǇǍǈǴlǁ! ỹƞƧŏ5

:pĭþƪǁε þĭƣDŽǁε þɰc :hĭdžFķǁε hǁĐƨDŽǁε

Ŏùķ!ƒĂ ƘǴǂƧƬ!ƒ ǇǍǈǴp ǇdžƟ (17) ǀþǴdž!ƒ ƒ ǉħ ȾdžĂƪơdž ǁŏƧƬ!ƒ Ƨŏþdž!ƒ Ƚ!ƌƪdž ǇD ŎǋjĂ

Ŭƣ ȾǂƧƬù!ƒ ǀƧƒþƣ Ŏù5 Ƚùǁdžƶ ǇƵ Ƨƞƒ ĂD ǀƌ5Ǵǂdž Ĭ ưǴlķŏ ǇD ǁŏƧƬ!ƒ Ƨŏþdžǁ! ƨĂƞŏ Ŭ ǋǈƌħ þŏ5ķ

ǁù!Ʀ ǇD Ŭƣ ƪƧƞD ǁŏƧƬ!ƒ Ƨŏþdž!ƒ ƇƱƵŰ ƱƧƬ ƇǂƧƬ!ƒ Ƚ!5ƒĂdž ǇD ỹdžĂ .ƇǂƧƬ!ƒ ŎpǴħ Ƚ!5ƒĂdžħ

.[1] ǁŏƧƬ ǋǈƒ Ɣħƪħ Ʃŏ!Ă ǀƧƒþŰƒ Ŏ5 ȽǁdžƵ ĂǋJ Ʃŏ ƑƧ!ƒ ǋhhƪ ƧƞŰƒ

ƧùƞŰƒ ƨơķƪùŏ Ŭ ƯĂ5dž!ƒ Ƨŏþdž!ƒ ǇD ƧǂƦ ǴdžǈöơŎǈþƧŰƒ ƳƧƬdž!ƒ ĬǁƵ ƦƤƌŏ Ǵdž ƒƦǋjĂ

ǁƧùķŏ ǇD ƳƧƬdž!ƒ ĬǁƵ Ɣƞŏ ǇǴǂ5 ǋŏƧǴƞķ Ƚǁdžƶ Ƚƶŏħƽ ǇD ǴdžħĂ ŬƇǂƧƬ!ƒ ỹŏdžƞ ƨ5ƒĂŏ ǇD ǇĂþ

ýùǂ ĬǁƵ ƘƬǈ Ŏķ!ƒ (55) ǋķþǴdž Ŏ5 ǀƧǴƞķ!ƒ ǇǍǈǴp ƨŏƧƱ ǇƵ Ɲ!Ǵƶķ Ŏǂ! ƒ ǉ ǚħ Ƚ!ƌƪdž!ƒ ǉƦǋj

.ŎǈǴƞdž ǋƞĂ ĬǁƵ þƶŏ Ŭ ȾdžþƤ ĂD ýdžƶħ DžǴŏl!ƒ ǋħ þƬ5ŏ ĭƧǴƞķ DžƒƨĶ!ƒ

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[1] ŬȾŏħƧƶ!ƒ Ƚưǈǉ!ƒ Ƨƒþ ŬȾŏƧǴƞķ!ƒ ƘǴǂƧƬ!ƒ ŬĭĂǴpƧƬ!ƒ Ƨŏdžƪ þĂdžơdž 1986 ƒ 89.

Ǥnj! ƽƽǉö ǈǊ ýþĂƙö Ŏƙ!ƒ ƗǂƧƬ!ƒ þǀƵ Ŏ5 ƧǂƦƙ Ǳ!Ă ǊƧƱƙ þp Ŏƙ!ƒ Ƨŏþǆ!ƒ ýǤǆƵǊ ǈƵ Ɨ þơƙö ǋǉǆǂĂ

ƘǤǀƽǉĂ ƻöƧǤƮǆ Ƨŏþǆ!ƒ ƽƽǉö þp ǁ!Ʀ ýǆĂ ÜƗǂƧƬ!ƒ ƯƧƸ ƽǀơö Ŏǂ! ƘǤǀƽǉĂ ƻöƧǤƮǆ Ƨŏþǆ!ƒ

ǁùǈƙ ýƽþùǈ Ƨŏþùǆ!ƒ ǱĂùǀö5 ƗƵƧƪ!ƒ ǋηĂ ĬǈƵ Ǳƙƙ ǈǊ Ɣηö ǤnjǉǂĂ ƗǂƧƬ!ƒ þǀƵ Ŏ5 ǤnjöǈƵ ƽƽƙǆ

.ƻöƧǤƮǆ!ƒ

ǋǈǤ5 ƇǤǂƧƬ!ƒ ýǆ ƗǂƧƬ!ƒ ǀƧƒþƍ þǀƵ Ƨŏþǆ!ƒ ýþĂö ǤǆǉöơƼ ÜƗöþǤöƙƵƒ Ƨŏƹ ýǤǆƵǊ ǁǤǈǋ ǈǂ!Ă

ƗǂƧƬù!ƒ ǀƧƒþŰ ýǤùǆƵǊ ǁǤùǈǋ Ʃö! ǈǊ ýþĂƙöĂ ÜǀƧǤƪƤ ĂǊ ƧƧư! ƯƧƶƙö ǈ! ǋǈƒ ýþĂƙǆ ǈĂǂö

þùp ƗǂƧƬù!ƒ ƯƧƸ ƽǀơƙ Ŏƙ!ƒ ýǤǆƵǕƒ ǁǈƙ ýƛǆ ǈǤ5 ǁ!Ʀ ýǆĂ ÜƧƧư ĂǊ ǋ! ǀƧǤƪƤ Ŏ5 ƔǈƪƙƘ

ǁǈƙ ǋη!Ǥƶǆ! ŎǉþƧǕƒ ƳƧƬǆ!ƒ ƳƧǤƪ þǀ5 ƩǤƪǕƒ ƒƦǋ ĬǈƵĂ ÜƧŏþǆ!ƒ ǁ!Ʀ! ǀƧǤƪƤ ĂǊ ƧƧư ƔǈƪƘ

Ƨùǂ ƦǤǆ Ǥǆþƶǈ ǋǉö5 ƧǂƦ ĭƦ!ƒ ŎǉþƧǕƒ ƘǤǂƧƬ!ƒ ǈǊĂǉǤp ǈǆ 22 ǀþǤǆ!ƒ ǈǆ ŎǉǤƛ!ƒ ƽƬ!Ǥǈ ƘǕǤơ!ƒ

Ǥùǆ ƔǈƪǈĂǊ) ƗǂƧƬ!ƒ ǀƧƒþǁǈ ƯĂƽǆ!ƒ ƒ ƤƬ!ƒ ǤǋǉþǈǂƘ Ŏƙ!ƒ ƻöƧǤƮǆĂ ƘǤǀƽǉ ýǆơƙƙ ƗǂƧƬ!ƒ ǈǊ

Ă!Ă ÜǤnjpĂǀơĂ Ǥnj!ƒĂǆǊ ƗöǤǆơ! ƗǂƧƬ!ƒ ǋơǈƮǆ! ýǆƵ ĭǆǈ ǋǆǤöp ƔǈƪǈƧƧư ĂǊ ǀƧǤƪƤ ǈǆ ǋǈǆơƙ

.[1] (ǁ!Ʀ ĬǈƵ ƗǀǈƪǆƒƇǤǂƧƬ!ƒ Ɨǀ5ƒĂǆ ĬǈƵ ýƮơö Ǳ!

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[1] ŎǉþƧǕƒ ƘǤǂƧƬ!ƒ ǈǊĂǉǤp ǈǆ 22 ǀþǤǆ!ƒ

Ĭ ǳǰFƙǁƐ üTƶǁƐ

ƥĭơǅǁƐ ƕŭĭǁǋǰƉ ƨǅ

:üNjǓɛ Ʊƥƻǁɛ

hǀ lƥ ʅǁɛ LJFШ ƥǏơDŽǁɛ hǀǏǁNjDƨDŽ Ƨ Ƒ ƨ ƈ

Ǒù5 ƓLjƛơ hǀ LJǫ ƓLjLjƎ5 ÜƗǂƧT!ƒ ljƓɳk Ư Ǎ5dž!ƒ Ƨǒƥdž! Ɨhǀʅ Lj!Ɠhǀ Ɨǒ!Ǎɑʅdž!ƒ ƩƓʅD LJƵ ƓLjƛơ hǀ ƒȒǫ

Ɨùǒƥlƶ!ƒ Ɨǒ!Ǎɑʅùdž!ƒ ШƧƓùƤ ШƧùƤLj LJ! ƓLjLjƓ5 , Ɨʅ ƒƧƥ!ƒ ljȒNj ýƓɳdž ǑNj Ǒk!ƒ ƗǒLjƥdž!ƒ Ɨǒ!Ǎɑʅdž!ƒ

.ƗǒƧǒȚ lk!ƒ Ɨǒ!Ǎɑʅdž!ƒǍ

Ɠùnjk Ƨ l5 Ǐùǁ Ƶ ƨùǂƧLjǍ ÜǑLjƥƧǕƒ ƘƓǂƧT!ƒ LJǍLjƓp LJdž ƧTƵ ƗƶhǀƓʅ!ƒ lƥƓdž!ƒ ƒƧ lLj Ɠdž Ljǒơ5

Ɠùnj LjƵ yǒpǍk!ƒǍ LJdžƓưk!ƒ ƗǂƧT lƧƒƥƎhǀ Ư Ǎ5dž ǁǒƧT ýǂ LJǫ lƥƓdž!ƒ Ƨǂ Ȓk Ɠdž Ljǒơ ƥǒƥơk!ƓhǀǍ ÜƗǒLjƓƛ!ƒ

lƥƓùdž!ƒ LJÙùdž ƥƓ5kʅùǒ" NLjD ƘƧǂȒ Ɠdž Ljǒơ ƗǒLjƥƧǕƒ ƨǒdžk!ƒ Ndžǂơdž Ɨǒ!ǫ Ƙƥ Ljkʅƒ Ɠdž ƒȒNjǍ [1] ǚǒǂǍ Ƨhǀkƶǒ

ǚǒùǂǍ Ƨhǀkƶǒ ƓnjLjƵ yǒpǍk!ƒǍ LJdžƓưk!ƒ ƗǂƧT lƧƒƥƎhǀ ƓưǍ5dž ƓǂƧT ýǂ ƘƓǂƧT!ƒ LJǍLjƓp LJdž (17)

LJùdž ƥƧƒǍ!ƒ ɑƱƤ!ƒ ǍNj Ư Ǎ5dž!ƒ Ƨǒƥdž!ƒ Ɨǒ!Ǎɑʅdž ƩƓʅD LJD LJNjȒ!ƒ Ǐ!ǫ ƧƥƓhǀkǒ NLjƓ5 Ü[2] ƗǂƧT!ƒ LJƵ

Ƨùhǀkƶk5 Üƥù lƵ Ɨù!ƓǂǍ!ƒ LJD ƧƓùhǀkƵƓhǀ ÜƗǂƧTùǁ! ƧƧư Ɣhǀʅ Ǎ ÜƗǂƧT!ƒ ƥlƵ ƻ!ƓƤ NLjǕ ÜƧǒƥdž!ƒ

Ʃǒù! NLjǂ!Ǎ ɑƱƤ Ʃǒ! ǁ!Ȓ LJD ydžǍ ÜƓƓnj l5!ƒ LJdž ƧǒƛǂNǒ!ǫ ƔNjȒ Ɠdž ƒȒNjǍ Ü[3] Ʊl5 ƗǒƥlƵ NkǒǍ!Ǎɑʅdž

ƥùơdžhǀ Ƨǒƥùdž!ƒ ýùƤǒ ƓùdžhǀƧ5 ÜƗpǚƶ!ƒ ǁǁk Ǒ5 lƧưƓơ ƗǒƧǒȚ lk!ƒ Ɨǒ!Ǎɑʅdž!ƒ LJǍǂk ƥl5 ÜƓhǀƒǍȚ

ƽƓùƱLj ШƧƓùƤ ƧƧưù!ƒ ƒȒùNjǍ ƗǂƧTǁ! ƧƧư Ɣhǀʅǒ ƓdžƓdž ÜNǒǁƵ LJǍLjƓ l!ƒ ƓnjưƧ5 Ǒk!ƒ ƘƓhǀɳƒǍ!ƒ

Ư ùƶhǀ Ǒù5 NÙùdžƓƶ!ƒ ƥƵƒǍlǁ! Ɠlǒhǀ Ʊk Ƨhǀkƶk ƘƓǂƧT!ƒ LJǍLjƓp ƒ ǍȚLj LJD ƓdžhǀǍ Ɨǒƥlƶ!ƒ Ɨǒ!Ǎɑʅdž!ƒ

([1]) سميحة القليوبي ،الشركات التجارية ، دار النهضة العربية ، 1988 الطبعه الثانية ،ص205

([2]) ƨǒǒdžk ƽǍlơ 2009/ 1677 DžpƧ ƧƥƓȚ 2009/ 11/11 ơǒƧƓhǀ ƘƒƧǍTLjdž ƨǂƧdž Ɨ!ƒƥƵ

([3]) ƨǒƨƵ ÜǑǁǒǂƶ!ƒ yɳƧdž ƓʅhǀƓƽ Ü2008 Ü ƒ 136

[illegible] (17) [illegible]

[illegible]

[illegible]

[illegible] (18) [illegible] (Ɣ) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

:[illegible]

[illegible].[1]

([1]) طارق عبد الرؤوف صالح رزق ،قانون الشركات التجاري الكويتي ، دار النهضة العربية ، 2009 ص215

Ƨŏþùdž!ƒ Ɨŏ!ĂƋƪùdž ǇŏƲ ƫƧƽǈ ǇƝ Ɣƞŏ5 ǈþĂƞĂdž ǋŏƧŏƮǇǬ!ƒ Ɨŏ!ĂƋƪdž!ƒ ƴưƒĂdž ǇƝ ǅdžƲĂ

Ɨŏ!ĂƋƪùdž ǇĂùƗǬ Ɣù!ǅƺ!ƒ Ŏù5 ƗƗƧƬ!ƒ ǅǅdžƝ Ŏnj5 ÜǄǅƗƧƬ!ƒ ǉǅƞǬ Ƨŏþdž!ƒ Ɨŏ!ĂƋƪdžĂ ƗƗƧƬ!ƒ ǉǅƞǬ

ǇƝ ǇùƗdžŏ Ǚ ǄǅƗƧƬù!ƒ ǋùnjƞƒĂdž Ŏù5 Ƨŏþdž!ƒ Ɨŏ!ĂƋƪdž ǇƗ! ÜƗƗƧƬ!ƒ þǀƵ þĂƞĂ ƔƲƪƲ ÜƗŏþǀƵ

ƔƲƪùƲ ÜǄǅƗƧƬù!ƒĂ Ƨŏþùdž!ƒ ǇŏƲ Ɨŏþǀƶ ǋƱƲƒƧ ǁǅǈǋ Ʃŏ! ǋǈǕ ÜǋŏƧŏƮǀǬ Ɨŏ!ĂƋƪdž Ǚǫ ǅǋƧĂƮǬǈ

ƴùdž Ɨùŏþǀƶ!ƒ ƗƥǕƶ!ƒ ƔƞơǬ ǅnjǈƎ5 ƗŏƮƤƬ!ƒ ǈƦǋ ǄĂƬǈ ƴdžĂ ÜƗƗƧƬǀ! ƗŏƧǅǬƵǕƒ ƗŏƮƤƬ!ƒ ǄĂƬǈ

.[1]ǄǅƗƧƬ!ƒ

ǋǬ5Ʈùƪ Ʃŏù!Ă ǅƗŏƧƬ ǋǬ5Ʈƪ Ɨŏþǀƶ ǋǬŏ!ĂƋƪdž ǇĂƗǬ þǀ5 Üǁŏ ƧƬ!ƒ Ƨŏþdžǀ! ǅǉƧƱǈ ƒƦ ǇƗ!

ƗƥǕƶ!ƒ ƘǉǅƗ ƒƦ ǋǉƒ "ǋŏ5 þƧĂ ǐƦ!ƒ ǅǋǈƧƒƧƥ Ŏ5 ƗŏǀþƧǕƒ ƨŏŏdžǬ!ƒ Ɨdžƫơdž ǋƲ Ƙdžƫơ ǅdž ƒƦǋĂ ÜƒƧŏþdž

ƴưƤǬ ǕĂ Ɨŏþǀƶ!ƒ Ɨŏ!ĂƋƪdž!ƒ þƵƒĂƥ ǅnjŏǀƵ ƫƲƱǬ ƗƗƒƧƬ ƗƥǕƵ Ŏǈǈ ǇnjŏǀƵ ƗŏƵþdž!ƒĂ ŎƵþdž!ƒ ǇŏƲ

.[2]"ƧǅƮ!ƒ ƴƺ5!ƒ ǇƵ ƗƞǬǅǉ!ƒ ƗŏƧŏƮǀǬ!ƒ Ɨŏ!ĂƋƪdž!ƒ þƵƒĂ!

([1]) ƨŏƨƵ ÜǑŏƗƺ!ƒ ÜƧdž ƴƞƧdž ÜƫǅƪƬ 2008Ü ص96

([2])ƨŏŏdžǬ ƫĂǀƠ ǅŏǉŏ3254/2005 ƮƧǅƧ 2006/4/3 ǅƧƒǀǇdž ƘƒƧƑdž ƨƗƧdž Ɨ!ƒþƵ

[illegible]

[illegible] [1] [illegible]
.[2] [illegible]

[illegible]

[illegible] [3] [illegible] [4] [illegible] (17) [illegible] (591) [illegible] (840) [illegible]

[illegible]

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[1] [illegible] 2005/21294 [illegible] 2008 / 11/18 [illegible]

[2] [illegible] 2009/1948 [illegible] 2009/ 11/4 [illegible]

[3] [illegible] 78 [illegible]

[4] [illegible] 2005، ص118

ƧǂƦùǉ LJD Ɣùŋŏ Ă ƇǴǂƧT!ƒ ýǒdžŋ Ƚ!5ƒĂdž LJĂþ Ƨŋƒ Ĭ ưǴlk ƒƦǫ Ƨŏþdž!ƒ Ƚŏ!ĂƋƪdž DžĂlk Ǵ ưŏD

LJùdž5 ÜȽùŏǉǴŋdž LJĂǂk Ǖ ȽŏƧǴŋk!ƒ ýǴdžƵǕƒ ȽƶŏƕƱ LJǕ Ü‖ŏƧT!ƒ Ƨŏƹ Ƨŏþdž!ƒ ĂǋNj þĂƬldž!ƒ LJD ǴǉNj

YƧTùdž!ƒ Ĭ ùƵ ƦPƋŏ Ǵdž ƒƦNj LJǂ!Ă Ü¹YĂƱk!Ǵƕ NJŏƧǴŋk ȽǂƧT lƧƒþǫ ýdžƵ LJĂǂŏ LJD ǑƶŏƕƱ!ƒ Ƨŏƹ

ÜƇǴǂƧT!ƒ ýǒdžŋ ƽ5ƒĂŏ LJD LJĂþ ƧŋǕƒ ƽơkƪŏ Ǖ ‖ŏƧT!ƒ ƯĂ5dž!ƒ Ƨŏþdž!ƒ LJD ƧǂƦ ǴdžǉŏơǑǉþƧǕƒ

Ɲ!Ǵùƶk Ǒǂ! ƒ ǉ ǖƕ Ƚ!ƋƪDž!ƒ ǉƦNj ‖Ƨkŏ LJD YƧTdž!ƒ Ĭ Ƶ Ɣŋŏ LJǴǂ5 NJŏƧǴŋk ȽdžƵ ȽƶŏƕƱ LJD ǴdžƕĂ

DžǴùŏl!ƒ NJùƕ þƬ5ŏ ĭƧǴŋk Džƒƨk!ƒ ýǂ ĬƵ ƘƬǉ Ǒk!ƒ (55) NJkþǴdž Ǒ5 lƧǴŋk!ƒ LJĂǉǴp ƽŏƧƱ LJƵ

.ǑǉǴŋdž NJŋĂ ĬƵ þƶŏ Ǖ ȽdžþƤ ĂD ýdžƶƕ

LJƒĂ ȽǂƧTù!ƒ ‖kƠ!ǴƬ! ƒ ǖƤǫĂ NJǉǴdžƶƕ ýdžƶŏ Dž!ƒƦǫ ƯĂ5dž!ƒ Ƨŏþdž!ƒ Ƚŏ!ĂƋƪdž DžĂlk Ǵ ưŏD

.[2] ‖!Ʀ ƧǂƦ Ǒ5 ǴơŏƧƬ ǑǉþƧǕƒ YƧTdž!ƒ LJǴǂ þpĂ ƒƦNjĂ ÜǴnjơ!ǴƬdž ǑƵƒƧŏĂ ǴnjpĂlơ ĬƵ Ʊ5Ǵơŏ

LJùƵ ȽơŏơƬ ƘǴǉǴƕ Džŏþlk DžþƵ ÜȽǂƧT!ƒ ǉǴŋk ƯĂ5dž!ƒ Ƨŏþdž!ƒ Ƚŏ!ĂƋƪdž DžǴŏp ƔǴƕƪD LJdžĂ

ƘǴùǉǴƕ Džŏþùlk ĂD ÜNJŏ5ƒĂ Ƨŏƹ ƘǴǉǴƕ Džŏþlk ĂD ÜȽǂƧT!ƒ ýǴdžƵƕ DžnjkǴ5ƒĂdž DžþƵ ĂD ÜȽǂƧT!ƒ ýǴdžƵD

ƘǴùǉǴƕ!ƒ ‖ùlk ƇǴǂƧT!ƒ þơƒ NJǉdž ƔƱŏ ǴdžǉŏơƘǴǉǴƕ Džŏþlk Ư5Ƨ ĂD ÜƔƪǴǉdž Ƨŏƹ ĭƧĂþ ýǂTƕ

lþǴùdž!ƒ LJD Ʀǫ ȽùdžǴƶ!ƒ þƵƒĂl! ƽŏƕƱk ǑNjĂ ƘǴǂƧT!ƒ LJĂǉǴp LJdž (18) lþǴdž!ƒ NJŏƵ ƘƬǉ Ǵdž ƒƦNjĂ

ƘǴùdžĂƶdž!ƒ LJùƵ Ƚùŏ5ƒĂ ƘǴǉǴƕƕ Ƚŏǂ Ă ýǂĂdž!ƒ Ǒ5ƒĂŏ LJD ĬƵ ƒ ǉk Ǒǉþdž!ƒ LJĂǉǴl!ƒ LJdž (856)

.ǴnjǉƵ NJ! ǶƕǴƪơ Džþlŏ LJDĂ ÜNJk!Ǵǂ Ă Ǒ5 Ƚŏ!ǫ ýƬĂ ǴdžƵ ȽŏƧĂƧư!ƒ

([1]) ƩǴ!ǫ ƩǴƬŏ ƵÜ ȽƵĂƪĂdž ȽƵǂƧT!ƒ ƘƒƧĂTǉdž Ü ȽŏƧǴŋk!ƒ Ǒƕƶơ!ƒ 2005، ص117

([2]) ƶŏƨ ȽƶǂŏǑÜ ƵƧŋý ƪǴƕƽÜ 2008Ü ص127

ÜǴnjƙƧƒƥǫ Ŏ5 ǉƧŏƬlƙ ĂƊ NJ!ǴdžNjǫ Ɣƕƪƕ ŀǂƧƬǃ! ƧƧư Ŏ5 Ɣƕƪƙ ƒƦǫ Ƨŏƥdž!ƒ ŀŏ!ĂƌƪdžƊžĂlƙĂ

ǁ ù!Ʀ LJdžưùŏ Ƨŏƥdž!ƒ LJƊ ƚƥǴdž!ƒ ǁǃƙ ƘơưĂƊĂ ÜŎǉǴǹ!ƒ ǴnjlƬ Ŏ5 (18) ƚƥǴdž!ƒ NJŏǃƵ ƘƬǉ Ǵdž ƒƦNjĂ

.ƧƧư!ƒ

LJĂǉǴùƿ f ǉƕ NJŏǃƵ ŀưĂƧƽdž!ƒ ƘǴƕƞƒĂ!ƒ ƥơƕ ýƤŏ LJƊ Ƨŏƥdž!ƒ ŀŏ!ĂƌƪdžƊžǴŏƿ ƔǴƕƪƊ LJdžĂ

:(19) ƚƥǴdž!ƒ ǴnjƙƥƥơƥƿĂ NJƙdžnjdž ǅǴnjƙǉƒ ƥǉƵ ƘǴǂƧƬ!ƒ

Ɣƕƪùƕ ŬĂƑƪùdž LJĂǂŏ NJǉǴ5 ƧnjƬƊ ŀƛǚƛ LJƵ ƥŏƨƙ ǉƥdž Ŏ5 NJ!ǴdžƵƊ LJƵ ƔǴƪơ Ɗƥlŏ ǴdžǉŏƠ5

ǅǴùnjƙǉƒ LJùdž ƧnjƬƊ ŀƛǚƛ Ŏưdž ýƕƿ Ɗƥlŏ LJƊ Ɣƞŏ ƔǴƪơ!ƒ LJƊ Ʀǫ ÜƔǴƪơ!ƒ ǁ!Ʀ Ɗŏƥlƙ Ŏ5 ǉƧŏƤƌƙ

.Ƨŏƥdžǂ ŀǃdžƵ

ǴNjƨǴơ ĂƊ ǴnjŏǃƵ ýƬơ ƭĂlơ ĂƊ NJŏǉŏƵ ĂƊ ŀŏƥlǉ ŀƺƽǉdž ýǂ LJƵ ǴƕǴƪơ Ɗƥlŏ Ɗ! ƒƦǫ Ǵưŏ ƊĂ

ǁ ùǃƙƕ NJƪùƽǉ! ƱƽƙùơƒĂ ŀǂƧƬùǃ! NJƙƧƒƥǫ ƭǴŏƪ Ŏ5 NJƪƧǴdž ĂƊ NJƕ ƊǴƿ ŀǂƧƬ!Ǵƕ ƭǃƺƙŏ ýdžƵ ĭƊ LJdž

ĂƊ ŀǂƧƬù!ƒ Ɗùƪƒ ýǚƺƙùƪǗ ŀùƞŏƙǉ ǴnjŏǃƵ ýƬơ ýŏƕl!ƒ ǁ!Ʀ LJdž ƴ5ǴǉdžĭƊ ǁ!Ʀ Ŏ5 Ǵdžƕ ÜŀƺƽǉdžƬ!ƒ

.[1]ǴnjƙƧnjƬ ĂƊ ŀŏƧǴƞƙ!ƒ ǴnjƙdžǚƵ

ĂƊ ýƒĂùdžƊ ĭƊ LJùƵ ƧnjùƬƊ ŀƛǚƛ ýǚƤ ǴƕǴƪơ Ɗƥlŏ Ɗ! ƒƦǫ ŬĂƌƪdž Ƨŏƥdž!ƒ LJĂǂŏ ǴưŏƊĂ

ĂƊ Ǵnj!ǚƺƙùƪƒ ĂƊ Ǵnj!ǴdžƺƙƪƒĂ NJ5ƧƬƙ ĂƊ NJƙƨǴŏơ ƘơƙǴnjƺưĂ ĬǃƵ ƊƥƿƊ ŀǂƧƬǃ! ƥĂƺƙ ƘƒƥĂƞĂdž

ŀŏƬƤƬ!ƒ NJƙƺƽǉdž! Ǵnj!ǚƺƙƪƒ ƥƬlƕ

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(1) ƥ!ǴƤ ƊŏŏNjƒƧƕǫ Üŀdžơǚƙ!ƒ LJĂǉǴl!ƒ ÜƧǴƞƙ!ƒ Ƨƒƥ ýƑƒĂ ÜƧƬǉǃ! ŀƺƕǴ!ƒ ÜŀŏǉǴǹ!ƒ 2006 f 132

[illegible]

[illegible] (21) [illegible]

[illegible]:

[illegible]

[illegible]

[illegible]

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[illegible]

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[illegible]

[illegible]

[illegible]

[illegible].[1]

[illegible]

[illegible].[2]

(1) [illegible] 1969 [illegible] 238ص

(2) هاني دويدار ، القانون التجاري ،منشورات الحلبي ، الطبعة الارولى 2008 ص643

[illegible]

[illegible] .[1]

[illegible] [2] [illegible]

[illegible] 22 [illegible] (Ɣ/ 17) [illegible] .1997 [illegible]

[illegible] .[3]

[illegible]

[illegible] .[4]

[illegible] 852 [illegible]

[illegible].

(1) [illegible] 2005، ص109

(2) [illegible] 268

(3) [illegible] 2005/ 1222 [illegible] 2005/ 9/21 [illegible]

(4) [illegible] 2005، ص121

[illegible] .[1]

[illegible]

[illegible] [(2)] [illegible]

[illegible].

(1) الماده 588 القنون المدني

(2) [illegible] 2000 [illegible] 151

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (1) [illegible]

(1) [illegible] 2006 ص 169

(1) 177

[illegible]

[illegible]

[illegible]

(1) يوسف محمد عبيدات ، مصادر الالتزام ، دار المسيرة ، 2009 الطبعه الاولى ص303

(2) [illegible] 2006 [illegible] ص 283.

ƻǀƮŏ ƥǀƼ ƽŏƿƥ Ƨŏƺ ƒ ǀǃƒ ƒƦǊ ǈƒ ăƧŏ ăƧǀ ƓǀǀƊ ƗǀŏǀơǃƒƓ Ŏ5Ă Ü(1)ƗŏǀLJƮơ ƗǂƧƬǃƒ ƴǜ ýǜƓƶŏ

Ŏù5 Ƨŏƺǃ ƥĂƮǀǃƒ ƓǀơưĂ LJƊ ƥƶĂ ÜƗǂƧƬǃƒ ƴǜ ƗŏƮƤƬǃƒ ǊƘƮ ýǜƓƶƘ ƒƦƒ Ƨŏƺǃƒ LJǜ ǀŏƧƬǃƒ

ǊùƘ ÜYĂƧù5 ƗʎǘʎŎ5 Ƨŏƺǃƒ ǀƓƞƘ ƯĂƼǃƒ ƧŏƥǃƒƗŏǃĂƏƮǜ ƟƓưŏ Ǐǃ ǊƞƘǀ ƻĂƮ5 ƔƮƬǃƒ ƒƦǊ

:ŎƘÜƓƗ ƓǊǜŏƮǀƘ

ƥǎƸǀ LJƑƗ ƒ ǊƻƊǆǀ ƥǎơƊǆǀ ƜǎǀǊƊƨƊ ƧƑƨƇ :üǊǗǀ Ʊƥƻǀ

ƥǎƸǀ LJƑƗ ƒ ǊƻƊǆǀ ƥǎơƊǆǀ ƜǎǀǊƊƨƊ ǀǗƑƟ :ǏǜƑƘǀ Ʊƥƻǀ

ƥǎƸǀ LJƑƗ ƒ ǊƻƊǆǀ ƥǎơƊǆǀ ƜǎǀǊƊƨƊ 5ƑƯǜ :ƘǀƑƘǀ Ʊƥƻǀ

Ɨǃƥƶ ƨƗƧǜ ƘƒƧĂƬǀǜ2006/ 7/2 ơŏƧƓƘ ƧƥƓƮ 2005/ 4445 ǀƥƧ ƽĂǀơ ƨŏŏǜƘ (1)

[illegible]

[illegible]

[illegible]

[illegible]

.57 [illegible] ([1])

ýù‡ 2 Ʈ ùǈǩ ǇǇ ǴǌǈǴùT ǇùǆǨǩ!ƒ ÜⱣǆǴƶ!ƒ ƥƵƒĂl!ƒ ƽǒǖƱǩǖ ǴǌǒǨ ƳĂȠƨ!ƒ Ǉ‡ǈǆǒ Ǒǩ!ƒ ⱣǒƧǒƮ!ǩ!ƒ

.ƧƧ ư ǩǆ

lƥǴùǆ!ƒ ƨƒƧù ƹ Ĭù!Ƶ ƧǒƷ!ƒ ǈǴȠǩ ƧǒƥǆƷ!ƒ Ɨǒ!Ăƌʅǆ ýĂǴǈǩǒ ƒ ǈ ƥĂȠĂ ǇǇ ‡ ơǴǖ!ƒ ăƧǒĂ

ǈǴùȠǩ Ɨ‡ƧTù!ƒ ƧǒƥǆĂ lƧƒƥÚƒ Σ!ȠǆⱣǒ!Ăƌʅǆ Ƙ!ĂǴǈǩ Ǒǩ!ƒ ǑǈƥƧŰƒ ƘǴ‡ƧT!ƒ ǇĂǈǴp Ǉǆ (157)

ΣǒƒƧ ǇǇ ƘƧ‡Ɍ ǴǆǈǒƠ ⱣǒǈƥƧŰƒ ƨǒǆǩ!ƒ Ǌǆ‡ơǆ Ǌǖ Ƙǆ‡ơ Ǵǆ ƒɌǋĂ ÜYƒƨǈ!! Ƨǖƒƥ ĭ Ɗ ƴƱlǒ ƥp ƧǒƷ!ƒ

ǇùƵ ƧǒƷ!ƒĂ ǇǒǆǋǴʅǆ!ƒĂ Ɨ‡ƧT!ƒ ǈǴȠǩ ǇĂ!Ăƒʅǆ ⱣǆǴƶ!ƒ ⱣǆǋǴʅǆ!ƒ Ɨ‡ƧT!ƒ lƧƒƥƹ Σ!Ƞǆ ǄǴưƵƊĂ

.(1)ⱣǆƱǈŰƒĂ ǇǒǈƒĂl!! ǅǌƶǒǆȠ ĂƊ ǅǌǈǆ ĭ Ɗ ǴǌǖƗǩƧƒ ǊƼ!ǴƤǆ ý‡

(1) ƨǒǆǩ ƽĂlơ ƨƥǴƮ 2006/854ǅƥƨ ơǒƧǴǖ 9/21 2006ǈǆƘƒƧĂTǈǆ ƨ‡ƨǆ Ɨ!ƒƥƵ

:Ĭ ǆŀFkǁƐ Ʊþƻǁɛ

þĭƸǁɛ üǴƽ þĭơǷǉǁƐ ƕȉǁǁNjƊ ƨ Ǆ l ŰƑƟ

ƒǨǫĂ ÜƧŏƺ!Ǵùƕ ƧƧù ư Ɨ ƒþơǫ ĂNj Ƨŏƺ!ƒ ýƕƿ ƯĂƽǆ!ƒ Ƨŏþǆ!ƒ Ɨŏ!ĂƋƪǆ ǄǴŏl! Ŏƪŏ ƑƧ!ƒ Ɣƕƪ!ƒ

Ǵùǉǁƶƞŏ Ǵŏ ưƒƧk5ƒ Ǵǆŏƪ lk ƴư ǉ ǇƊ ƴǉǆŏ ǚ5 Ü Ư Ăƽǆ!ƒ Ƨŏþǆ!ƒ Ɨŏ!ĂƋƪǆ ǄǴŏƿ ƔǴƕƪƊ þǉƽǉ ǇƊ ǴǉþƧƊ

ǄĂùlk Ɨŏ!ĂƋƪǆ!ƒ ǇƊ ǴǆƕĂ ÜƗŏĂǉǴƛ!ƒ ƔǴƕƪ Ǖƒ ƴŏǆƞ ƧƮơ ƔƶƮ!ƒ ǇǆNJǕ ÜƗŏƪ ŏƑƧ!ƒ ƔǴƕƪǕǴƕ Ǆǉ

:Ŏk!Ǵǂ ƴƪĂǕƒ Ĭ!ǫ ƨŏ ư Ǖƒ Ǉǆ ƘǴǆƒƨk!ǓǴƕ ýǚƤŰƒ ƻǉƮǉ ƻĂƪ5 ÜŎǉĂǉǴƿ Ǆƒƨk!Ǵƕ ýǚƤǫ Ɣƕƪƕ

.ƗǂƧƬ!ƒ þlƵ Ŏ5 NJŏǁƵ ƒ Ă Ʈ ǉǆ Ŏǉ Ăǉ Ǵƿ Ǆƒƨ k!Ǵƕ ý ǚƤǫ :ǓĂƊ

.ǇĂǉǴl!ƒ Ŏ5 NJŏǁƵ ƒ Ă Ʈ ǉǆ Ŏǉ Ăǉ Ǵƿ Ǆƒƨ k!Ǵƕ ý ǚƤǫ :Ǵŏǉ Ǵƛ

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible] 2011 [illegible] 126

(2) [illegible] 2005، ص127

LJùdž ƥǴƨƙƪùŏ" NJŏ5 Ǐƙƒ ĭŘ!ƒ ǴNjƧƒƧƥ Ŏ5 ƗŏǉƥƧǕƒ ƨŏŏdžƙ!ƒ NJdžƗơdž NJƅ ƘưƥǴdž ƒŘNjǍ ÜƗƗƧƬǃ! ƒƧŏƥdž

LJdžǴưùƙ!ƒ ƗƗƧùƬ Ŏù5 ǴǴƗƧƬ!ƒ LJǫ Ü1997 NJǉƪ! (22) ǂƥƧ ƘǴƗƧƬ!ƒ LJǍǉǴƥ LJdž (ǂ/26) ǊƥǴdž!ƒ

ǂnj!ƒǍdžǅùƅ LJŏǉdžǴùư LJǍǉǍƗŏǍ Ǵnjŏ5 ǂNjƥǍƞǍ ǴǴǉǍǂ ǴnjŏǃƸ ƘƅƙƧƙ Ŏƙ!ƒ ƗƗƧƬ!ƒ LJǍŏƥ LJƸ LJǍ!ǍƋƪdž

LJŏǉŏƥùdž!ƒ ƨùƗƧdž Ŏù5 LJǍǉǍƗŏ ĭǂ ƗƗƧƬ!ƒ ƔǉǴƞ Ĭ!ǫ LJŏŏǃƮǂ LJŏdžƨƙǃdžƗ LJǍŏƥ!ƒ ǁǃƙ! ƗŏƮƤƬ!ƒ

ƗùdžǴƥǫ LJƑƒƥùǃ! LJǂ ƥùŏƽŏ Ǵdždž ŎǉǍǉǴƥ LJdžǴưƙ ǍNj ǴǴƗƧƬ!ƒ LJdžǴưƙ LJǂ Ǐǉƶdžƅ ƗƗƧƬǃ! LJŏǉdžǴưƙdž!ƒ

.(1)"ǴƶdžLJŏǉǍǕƒ Ǎǂ Ǵnjŏ5 LJdžǴưƙdž!ƒ ǁŏƧƬ!ƒ ǏǃƸ Ǎǂ LJdžǴưƙ!ƒ ƗƗƧƬ Ǐǃƶ ǎǍƵƥ!ƒ

Ɨ!ƒƥƸ ƨƗƧdž ƘƒƧǍƬǉdž2006/ 6/29ƣŏƧǴƙƅ ƧƥǴƮ 2006/ 591 ǂƥƧ ƽǍǀơ ƨŏŏdžƙ([1])

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

1- [illegible]

2- [illegible]

hŭĭďǫDŽǁ hŭĭǁNjD ƨDŽǁ 5ƑƯď ƧƑƨƇ ĂǂY ƥĭƩǁ LJƑШ f Nj2DŽǁ ƥĭǫDŽǁ hŭĭǁNjD ƨDŽ 5ƑƯď - 1

ǂǂƧùTĂ LJďƺƈưùķ!ƒ ǂǂƧùT Ŏù5 Ƨŏʒ!ƒ ÿď ƧTƓď ƥǀƶ ƱķƧŏ Ǔ ƯĂƨď!ƒ Ƨŏƥď!ƒ LJD Ɠďǯ

Ǔ NJùŀǕ Ü ǂŏƧŏŢ ǀķ!ƒ ǂŏ!ĂƋʅď!ƒ ƽƓƱŀ ƥƥơķŏ Ƨŏʒ!ƒ ŀƓɳķ NJķŏ!ĂƋʅď ƽƓƱŀ LJƎ5 ÜǂƱŏʅ!ƒ ǂŏŢĂķ!ƒ

Ɣùɳŏ NJƓ5 ÜǂǂƧT!ƒ ǂɳD LJď ƘƑTD ĭŖ!ƒ ƯƧʒ!ƒ ƽŏǀơķ Ɣ!ƓƱď NJƒ ƓďĂ ÜƥǀƶƧŏʒ!ƒ ÿď ƱķƧŏ

ŎƥƓù! ýùŏǂĂ NJĂǂ ǂ!ƓǂĂ!ƒ ƥǀƵ ƔɳĂďĂ ÜǂǂƧT!ƒ ƥǀƶ NJ! ǂơƓķď!ƒ NJķƓŏơǖŢ ăƥƶķŏ Ǔ LJD NJŏƵ

LJùƵ Ƨŏƥùď!ƒ ШĂƧùƤ Ɣʅùƶ ƧƧưùķŏ ƥƥ ĭŖ!ƒ Ƨŏʒ!ƒ ýƥ LJď ǂƑƓʅď! ƯƧƶķ ŬǫĂ ÜƇƓǂƧT!ƒ

.NJķƓŏơǖŢ

ƓùǌơŀďŏŎķ!ƒ NJķƓƱʅ ƨĂƓɳķŏ Ǔ LJD NJŏƵ Ɣɳŏ5 ÜƧŏʒ!ƒ ǂƑƓʅď LJď NJʅƎŀ Ƨŏƥď!ƒ ŎďơŏŎǂ!Ă

Ŏķ!ƒ ƸƧŢķ!ƒ ýƓďƵD ĎĂǌƎď ШƧƓƤ ǀƧƒƥǫ ýƓďƵď ĎĂǀŏ Ǔ LJƒĂ ÜƇƓǂƧT! ýŏǂĂ NJŀǕ ǂ!ƓǂĂ!ƒ ƥǀƵ NJ!

.[1]ǂǂƧT!ƒ ƥǀƵ ƽƓƱŀ ШƧƓƤ ýƓďƵD ĂD ǂǂƧT!ƒ ƯƒƧƺǫ ƨĂƓɳķ

hŭǀƥǂʅDŽǁNj hŭŢƟʅǁ hŭĭǁNjD ƨDŽǁ ƧƑƨƇ ĂǂY ƥĭƩǁ LJƑШ f Nj2DŽǁ ƥĭǫDŽǁ hŭĭǁNjD ƨDŽ 5ƑƯď - 2

ƓǌŀĂďŏ ƥơƒĂ ƩƎƧ Ɠǌ! LJĂǂŏ NJƒ ŎŀƶďǯÜǂŏƥƧ5!ƒ ǀƧƒƥǕƒ ǂ!Ɠơ f ƓƤTǕƒ ƘƓǂƧT ĬƵ Ɣʒŏ

ǂùŏŀ!ƒ LJʅùơ Ƨùŏʒ!ƒ ĎƓďǫ ǂŏ!ĂƋʅď ǂǂƧT!ƒ LJĂǂķ ǂ!Ɠơ!ƒ ŀŖNj Ŏ5Ă ÜǂǂƧT!ƒ Ƨŏƥď ĂNjĂ Ƨŏʒ!ƒ ĎƓďD

LJùď ŀƒƥùŏ NJķ5Ƨķƥƒ Ɠďŏ5 ǂǂƧT!ƒ LJď ǂƑƓʅď ĎƓďD NJƶưŏ Ɠďď ÜƧŏƥď!ƒ Ɠǌʅ ĎĂǀŏ Ŏķ!ƒ ƇƓƱƤǖ! ǂʅʅ!Ɠʅ

Ĭù!ǫ ŀƒƥƶķķ ŬĂ ÜǀƥơĂ Ƨŏƥď!ƒ ĬƵ ÿɳƧķ ǂǂƧT!ƒ LJƎ5 ǁ!Ŗ ĬƵĂ ÜƧŏʒ! ƧƧư Ŏ5 Ƙʅʅķ ƇƓƱƤD

[1] ƨŏƨƵ ÜŎǂƶ!ƒ ƘƓǂƧT!ƒ ÜǂŏƧƓɳķ!ƒ Ƨƥ Üǂ5ƓǀĂ!ƒ ÜLJƓďƵ 2008 f 132

(1) ... 2005، ص127

(2) ... 2003، ص 176.

(3) ... 2005، ص 107.

(4) سميحة القليوبي ،الشركات التجارية ، دار النهضة العربية ، 1988 الطبعة الثانية ، - ص208

NJdžùȠǴħ ýùdžƵ ƒȒǫ Ǚǫ ÜƧƒƧǃ!ƒ ȐƤƙdž ƧǒƥdžǃƒƳdž ƖƧƬǴhdž ŧƥǚƵ NJ! Σǒ! ŧǒǉ!ƒ ǇȠơ Ƨǒƺ!ƒ ǇǓ Üŧǒǉ!ƒ

.Ƨǒƺ!Ǵùh ƫùơ! ǐȒ!ƒ ƧƧư!ƒ ǇdžưƘ ǇdžǑǌ ŧǂƧƬ!ƒ ǇǴ5 ŧǂƧƬ!ƒ ǅȠǴħ ýdžƵ ƒȒǫ Ǉǂ!Ă ÜǑȚƤƬ!ƒ

ƫǴùƱǉ ɰƧǴùƤ ĂùǌƷ NJùǒǃƵ ƠƧùƘƵƒ Ǉdž ǴdžƉĂ ÜǉǴǉhƘ Ǉdž ǏǃƵĂ ƧƒƧǃ!ƒ ȐƤƘƒ Ǉdž ǏǃƵ ƴƞƧƘĂ

.[1]ŧǃƑǴȠdž!ƒ

Ü2005 ÜŧǒƧƥǉǂȠǗƒ ÜŧǒǒƺdžǴƞ!ƒ ƘǴǒƵĂhƱdž!ƒ Ƨƒƥ ÜŧǒǒƧǴƞƙ!ƒ ƘǴǂƧƬ!ƒ ÜNJǒƱ ýǴǒdžǂ ǏƽƱȚǒdž (1)

.103 ƒ

:üǋǰƐ ƒǂƯƊǅǁƐ

ƥǏǫƊǅǁƐ üƑƊǅƳƈ ƊǅƳ ǶǀƥƮǁƐ ǶǏǁǋƊƨƊǅ ƧƑƨƈ

Ǐ ùǁƨ ƒĂǂǁƘƤƒ ƊǆǉǈƊ Ǔǫ ÜǋƧƥƊǅ ýƊǅƨƊ Ǉƨ ǂ!ĂƑƮǅ ǂǂƧƬ!ƒ ǇƊ Ǐǁƨ ƒĂǀǂƘƒ ƇǋǉǂƮ!ƒ ǇƊ ƴƊǅ

ƽǇ ù ǂƘƒ ǁǈǋ ǇƊ Ǔǫ ƨ ǔƘƤǓƒ Σ ǒ ƮƊƘ Ǒ5 ǂǒǈĂǈƥ ƘǒǉǂƬǫ ǁǈǋ ǇƊ ƴƊǅĂ ÜǂǒĂƋƮƊǅ!ƒ ǈƦǋ Σ ǇƮƊ

Ǒù ǅǈƘ ý Ţ Ǖƒ Ǒ5 Ǒƙ!ƒ ǂ!ƋƮƊǅ!ƒ ƨ ǒǒǂƘ ƳĂ ư Ăƌ Ǒ5 ǇǒǒƊƧ ǁǈǋ ǇƊ ƊǅĂ ÜǂǒĂƋƮƊǅ!ƒ ƥĂηĂ Ǐǁƨ

Ǐ Ʀù!ƒ Ǐ ƊƧù!ƒ Θ ư ǒǫ ƴƊǅ Ǉǒǒ ƑƧ!ƒ Ƨ ǂ ƦǊ ƨ Ă Ʈ ǁ!Ʀ ǏǁƨĂ ÜǂǂƧƬ!ƒ ƴƊǅ ƧǒƥƊǅ!ƒ ǂƥǔƨ ƨ ǒǂƘ Ǐǁƨ

:ǑǈƥƧǕƒ ƳƧƬƊǅ!ƒ ǋǈǉƘ

ǇƊ ƧǋƘƨƒ Ǐǁƨ ÜǋƘơǋ ǂǒƥƥƨƘ ǂƥǔƨ ǂǂƧƬ!ƒĂ ƧǒƥƊǅ!ƒ Ǉǒǋ ǂƥǔƨ!ƒ ǇƊ ƧǋƘƨǒ :üǋǰƐ ăƈƥǁƐ

ÜƧ ùǒƺǁ! ƧƒƧ ư ǫ ƔǋƮǒ ƥƥ ƊǅƊǅ ǂǒƥƥƨƘ!ƒ ǋǈƊǅƒƨƘ!ǋ ýƤƒ ƥƥ ƧǒƥƊǅ!ƒ ǇƊ ƊǅǋĂ Ü(1)ǂǂƧƬǁ! ýǒǂĂ ƧǒƥƊǅ!ƒ

Ǒù ƙ!ƒ (17) ǈƥ ùƊǅ!ƒ ƒ ùǈ ǏƘƊ ǁ!Ʀ ǏǁƨĂ Ü2ǂǒǈ!ƒ ǇƮơ ƧƧ ư ƘƊǅ!ƒ Ƨǒƺ!ƒ ǈǋηƘ ǋƊǅƨǁƊǅ ǂǂƧƬ!ƒ Ǉǋ5

Üǂ ǂƧƬù!ƒ Ǉùƨ ǔǒǂĂ ƧǋƘƨǒ ǋǈǈƨ ƴǒƥĂƘ!ƒĂ ǇƊǅ ư Ƙ!ƒ ǂǂƧƬ ǈƧƒƥƺǋ ƯĂƺƊǅ ǁǒƧƬ ý ǂ ǇƊ ƘƧǂƦ

Ǉù ǂ!Ă ÜýǋùƊǅƨǕƒ ǈƦǋ Ǐǁƨ ǂǋƘƧƘƊǅ!ƒ ƧǋǓǋĂ ǋǈǈƨ ǂǋǒǈ!ǋ ǋǈǋ ƊǅĂǀǒ Ǒƙ!ƒ ýƊǅƨǕǋ ǂǂƧƬ!ƒ ƊǅƨƘǁƘ

:ǋǈƊǅǋƊĂ ƘƒƥǋǀƘǈƒ ǈƥƨǋ Ǐ ƊƧ!ƒ ƒƦǋ ƥǀƘǈǒ ǇƊǅ ǁǈǋ

1- ǇƊ ƥƨƒĂƥ ǂ!ǂĂ!ƒ ǂǒƥƨ!ƒ Ǔ ƔƨĂƘƮƘ ýƊǅƨǕƒ Ǒƙ!ƒ ǋǈǋ ƊǅĂǀǒ Üýǒǂ Ă!ƒ ýǂĂƊǅ!ǋ5 ƧƊǅƘƊǒ ƧƊǅùǋ

.ǂǂƧƬ!ƒ ǈƥƒƧǫ ǇĂǂƘ5 ǋƘƥƒƧǫ Ǉƨ Ƨǋƨǒ ƧǒƥƊǅ!ƒ ƊǅǈǒǋÜǋƘƥƒƧǫ Ǉƨ ƧǋƨǒĂ ǂǁǂĂƊǅ

2- ǇƊ ǂ!ǂĂ!ƒ ǇĂǂƘ ǈƥƥơƊǅ Ţ!ƒ Ǔơǒǉ Ƙ ƊǅƊ ǈƧƒƥǓƒ ǇĂǂƘ5 Ţ ǔơǒǉƘ ƧǒƥƊǅ!ƒ ƊǅǈǁƋƊǅ ƊǅƒƥƊǅ ǋǈǈƊ

.ǂǂƧƬ!ƒ Ư Ƨƺ ƽǀơƘ

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(1) Ɣ!ǉƮ ǇƮơ ƊǅĂƮǏ Ü ƒǅƊǅĂη ƨ Ǒ5 ǂǂƧƬ!ƒ ƘǋǉƊ ǂǒƧǋƥƺǈ ÜƥƒƥƺǋÜ 1979 ƒ 93

(2) Σǒ!ǫ ǈǋ Ţ ǒƨ Ü ƊǅĂƮƨǂ ǂǂƧƬ!ƒ ƘǋǉƊǂ!ƒ ƘƒƧĂƬƊǅƊǅ Ü ǂǁơǏǑ 2005، ص93

[illegible] -3
[illegible] .[1]

[illegible]
[illegible]
[illegible]
[illegible] .[2]

[illegible] (17) [illegible]
[illegible] (25) [illegible]
[illegible]
[illegible].

[illegible]
[illegible]
[illegible].

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(1) [illegible] 2005، ص94
(2) [illegible] 1969 [illegible] ص 220

[illegible]

[illegible]

[illegible]

[illegible] -1 [illegible] (17) [illegible]

[illegible] .[1]

[illegible] [2] [illegible]

[illegible]

(1) [illegible] 2008 [illegible] ص125

(2) المادة 833 القانون المدني

.(1)

-2 ... (25) ... (2)

-3 ... (3).

(1) ... 567 /2010 ... 12/5/2010

(2) ... 1969 ... 220ص

(3) ... 2008 ص132

-4 [illegible]

[illegible][1]

-5 [illegible]

[illegible]

[illegible][2]

[illegible] (17/ [illegible]) [illegible] (25/ [illegible]) [illegible]

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(1) [illegible] 91

(2) [illegible] 2005، ص118

(1) سميحة القليوبي ،الشركات التجارية ، دار النهضة العربية ، 1988 الطبعة الثانية ص216

[illegible] (25 [illegible] 17) [illegible]

[illegible] [1] [illegible] [2].

[illegible] [3].

[illegible] (25 [illegible]) [illegible]

[1] [illegible] 2008 [illegible] 134

[2] [illegible] 2005 ص127

[3] سميحة القليوبي ،الشركات التجارية ، دار النهضة العربية ، 1988 الطبعة الثانية ص215

[illegible]

-1 [illegible]

-2 [illegible]

-3 [illegible]

-4 [illegible]
[illegible]
[illegible] .

[illegible] :

-1 [illegible]
[illegible]
[illegible]

-2 [illegible]
[illegible] .

-3 [illegible]
[illegible]
[illegible] .

-4 [illegible]
[illegible]
[illegible].

-5 [illegible]
[illegible].

-6 [illegible]
[illegible]
[illegible].

7- [illegible]

8- [illegible]

9- [illegible] 21 [illegible]

10- [illegible]

11- [illegible] (157) [illegible]

12- [illegible]

ՄՠƐƥDžƐ ƕDžƏƑƼ

:ƒǂǁƐ

1- ƥďžơƒ ÜƨƧơďž ƘĜǂƧƬ!ƒ ÜǂőƧĜƞƙ!ƒ 2000Ü ƖƧNjĜǀ!ƒ.

2- ƥƧƒĂƥƒ ÜƥőƵ ƘĜǂƧƬ!ƒ ÜǂőƧĜƞƙ!ƒ 1969Ü ƧƒƥǄďž!ƒ ÜƧĜƬƙ ƘĂƧőƀ.

3- ƊǄďžĜ ƴƑĜǉ ÜǈǄőơďž!ƒ ǅőƞĂ!ƒ ƠƼ ƘĜǂƧƬ!ƒ ǂőƧĜƞƙ!ƒ ǂĂƒÜƼǚ Ʃ Ü ƧƒƥǂƼĜǀƛ!ƒ .

4- ƩĜő!ǫ ƬĜǉ őƧ Ü ǂǍĂǉĂďž ƘĜǂƧƬ!ƒ ǂőƧĜƞƙ!ƒ Ü ƬǉďžĂƬǉƧƒƘ ƠǂǉƐơ!ƒ 2005.

5- ƥƞďžƊ ƥďžơďž ƬǉďžĂƧÜ ƘǉƧƀǂ!ƒ ǂďžĜƶ!ǚ! ƘĜďžƒƨƙ!ǚ ƬƒƥĜƬďž ÜƊďžƒƨƙ!ƒ ƧƒƥǂƼĜǀƛ!ƒ 2006.

6- ƊǉďžƧ ǂƧĜǂƬǀ ÜǈĜƬǀƛ!ƒ ƬďžƒƨƙǉƊƒƞƙĜǂďž!ƒǚƧƥǉő ǂ Ü 2002.

7- ƩĜǉǂǀǀ ƥďžơďž ƩĜǉǂǀ ƥďžơƒ ÜƖǉĂƒƧƬ!ƒ ƘĜǂƧƬ!ƒ ÜǂǚőƧĜƞƙ!ƒ ƧƒƥǂǚǄďž!ƒ ÜƖƧőǚǄďžƵ ÜǈǉĜǚ

.2012

8- ƞĜǁ ǂĂƧ Ƨ ÜƟőǂơ!ƒ ƘĜǂƧƬ!ƒ ÜǂőƧĜƞƙ!ƒ ƘƒƧĂƬǉďž ƞĜďžƶNǄ ƥďžƬƨ 2000ďž.

9- ơǂőǈ ÜƠƞĜďž!ƒ ƘĜǂƧƬ!ƒ ÜǂőƧĜƞƙ!ƒ ƧƒƥǉǀƯǂ ÜǂƯƼǂ!ƒ Üǂǀƙ!ƒ 2003Ü ƖƧNjĜǀ!ƒ

10- ƤĜ!ƥƧƒNjőǉ ǚőơǂďž!ƒ ÜǉĜǀǈĂƙ!ƒ ǅǉ ƧĜƙ!ƒ Ü ƧƒƥĂƒƒǉ !ǀƬƧÜ ǂƼǂƯ!ƒ ǂǉĜőƒǉ 2006.

11- ǂƥőǂ ƠơőÜ ǂǂĂƥ ǉÜ ǉƙǂďž!ƒ ƳǀǂďžƧƒ ƠǁƧǚ!ƒ ǂƥőơ!ƒ 1999.

12- ǂƥőǂ ƠơőÜ ǅőƞĂ!ƒ ƠƼ ǉǀƙǚĜƧǉ ǉƙĂƥǂǚ!ƒ ÜǉƙǂďžǉƳ ƠǉǁƧǚ!ƒ ǂƥǚơ!ƒ ǂǂ Ü

.1999ÜǂőƧƥǀǂǂƿƒ

13- ǂőďžơǂ ÜƠǁĂƐǀ!ƒ ƘĜǂƧƬ!ƒ ÜǂőƧĜƞƙ!ƒ ƧƒƥǉǀƯǂ ÜǂǁƧǂ!ƒ ǂƯƼǂ!ƒ ÜǂőǀĜƙ!ƒ 1988.

14- ƨƧĜƼ ƧƒƵ ƧĂƠ!ƒ ƨƧĜƬ ƧǂƨÜ ǈĂǀǂ ƘĜǂƧƬ!ƒ ǉƧĜƞƙ!ƒ ǂĂőǁƠ Ü ƧƒƥǉǀƯǂǚ ǂǚ

.2009 ÜǂőǁƧǂ!ƒ

15- [illegible] 1979 [illegible].

16- [illegible] 1999.

17- [illegible] 2002.

18- [illegible] 1994.

19- [illegible] 2003.

20- [illegible] 2003.

21- [illegible] 2009.

22- [illegible] 2009.

23- [illegible] 2011.

24- [illegible].

25- [illegible] 2000.

26- [illegible] 2000.

27- [illegible] 2008.

28- [illegible] 2008.

29- [illegible] 2005.

30- [illegible] 1994.

31- [illegible].

32- [illegible]

.2005[illegible]

33- [illegible] 1986

34- [illegible]

[illegible]

35- [illegible] 1986

36- [illegible]

.2005

37- [illegible] 2008.

38- [illegible] 2009.

39- [illegible] 2009 [illegible].

: [illegible]

1- [illegible]

1983.[illegible]

2- [illegible]

2010,[illegible]

3- [illegible]

.2005 [illegible]

Ƚ!Ǵùʅƨ ÜLJǆǅǴưùķ!ƒ ȽǂƨùT Ǐùǁ̈Ƶ lƨùƛƒĂ ǁŏƨTù!ƒ ýƮù5 ÜǅǩǴơ lƥhƵ ƥǆơǆ ƥǒzʅ -4

2010, ƱʅĂǕƒ ƽƨT!ƒ ȽƶǆǴȠÜƨǒķʅȠǴǆ

:DžǐǆƐNjƨ

1- ǑǊƥƨǕƒ ƘǴǂƨT!ƒ LJĂǊǴƿ

2- ǑǊƥƨǕƒ ǑǊƥǆ!ƒ LJĂǊǴǀ!ƒ

3- ǑǊƨǓƒ ĭƨǴȠķ!ƒ LJĂǊǴǀ!ƒ

4- ǑǊƥƨǓƒ ýǆz!ƒ LJĂǊǴƿ

ƕŏǝƑƮƨ lƐƥƐƥƨ

1- ƨǒǆǩ ƽĂlơ ǅƿƨ 711 / 2006 ƮƥǴƨ ǴǩƕƨǒƍƳ 2006/6/25 ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

2- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 1222 /2005 ƮƥǴƨ ǴǩƕƨǒƍƳ 9/21 /2005ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

3- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 1418 /2007 ƮƥǴƨ ǴǩƕƨǒƍƳ2/4 /2008ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

4- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 1535 /2009 ƮƥǴƨ ǴǩƕƨǒƍƳ29 /10 /2009ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

5- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 1677 /2009 ƮƥǴƨ ǴǩƕƨǒƍƳ 11/11 /2009ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

6- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 1806 /1999 ƮƥǴƨ ǴǩƕƨǒƍƳ 2000/2/27 ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

7- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 2129/ 2008 ƮƥǴƨ ǴǩƕƨǒƍƳ 2008/1/18ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

8- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 2296 /2008 ƮƥǴƨ ǴǩƕƨǒƍƳ 5/17 /2009ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

9- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 567 /2010 ƮƥǴƨ ǴǩƕƨǒƍƳ12/5 /2010ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

10- ƨǒǒǆǩ ƽĂlơ ǅƿƨ 591 /2006ƮƥǴƨ ǴǩƕƨǒƍƳ6/29 /2006ǉƒƨĂTǉǆ ƘƒƨǆǂƨƵƥƒ!Ƚ

ƨù ǂƧdž ƘƒƧǍTùǀǈdž2009/ 11/4 ǫǒƧǴǩƲ ƧƥǴȚ 2009/1948ǅǻƧ ƭǍlơ ƨöödžk -11

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Summary

The Director of the Personal Companies

Jordanian Law

(descriptive analytic study)

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2013، Yarmouk University: Faculty of Law

This study has discussed the issues of managing director in partnership firms in the Jordanian Law based on a descriptive analytic research of the firms texts in Jordanian law of firms and other Jordanian laws which specified this issue with special texts.

Also this study was able to stand on some of the shortages and lacks in the articles concerned with this study، which does not affect the success of Jordanian legislator in dealing with what conflicts between adversary from manager، firm or other parties.

This study has discriminated between contracted manager appointed in the establishment contract and non contracted manager appointed in later contract of company's contract. Then the study

proceeded in explaining the process of appointing and discharging the manager. Although the Jordanian legislator has not discriminated between contracted manager and non contracted manager، which didn't prevent us from specifying the rights and obligations of this management and its authority limit and explaining the fate of its decision in the case of individual manager or group of managers. Also the study explained the acts that the Jordanian legislator has prohibited and discussed the responsibility of the managing director to parties and others.

And what is noticeable is that the Jordanian legislator had been excellent to legislate laws concerning partnership firms management where there were some conflicts between civil and commercial law and were there some excess texts and were partners are marginalized.